## EXHIBIT E - Whitford Dep

1	IN THE UNITED STATES D	1STRICT COURT
2	SOUTHERN DISTRICT O	F NEW YORK
3		
4	JOANNE HART and AMANDA )	
5	PARKE, on behalf of )	
6	themselves and all others )	
7	similarly situated, )	
8	Plaintiffs, )	:
9	~vs- )	No. 1:15-cv-04804
10	BHH, LLC d/b/a BELL & }	(WHP)
1.1	HOWELL and VAN HAUSER, )	
12	LLC,	
13	Defendants. )	
14		
15	The deposition of PHILIP	C. WHITFORD, ⊋h.D.,
16	called for examination, taken 1	before GATL LIVIGNI,
17	CSR No. 84-1965, a Notary Publ:	ic within and for the
18	County of Will, State of Illine	ois, and a Certified
19	Shorthand Reporter of said stat	te, at Suite 1100, 33
20	West Monroe Street, Chicago, I	llinois, on the 12th
21	day of January, A.D. 2018, come	mencing at 9:30 a.m.
22		
23		
24	Pages 1 - 280	
		Page 1

	···	-γ	
1		1	Defendant. 09:48:42
2		2	MR, KOPEL: Whoever is on the phone, please 09:48:56
3	(	1 3	identify themselves? 09:48:58
4		! 4	AIR, WEISS: Dr. Borth, could you please 09:49:00
: 5	7	1.5	identify yourself? 09:49:02
6		ĥ	MR, BORTII: Paul Borth on the phone. 09:49:04
7	,	7	MR. WEISS: Thank you. 09:49:08
8		8	(WHERDUPON, the witness was duly
9		9	sworn.)
10	,	10	PHILLIP C. WHITFORD, PLD.,
11	, , , , , ,	11	outled as a warness herein, having been first duly
12		12	sworn, was examined and testified as follows:
13		13	DIRECTEXAMINATION
14	MR. ROBERT OSTOJIC,	14	BY MR. KOPEL:
15		35	Q. Good morning, Dr. Whitford. 99:49:16
16	,,	56	A. Good morning. 09.49(18)
17		17	Q. Can you picase state your name and 09:49.15
18		18	address for the record? 49:49:20
19	MR. PAUL BORTH, Ph.D.	19	A. Dr. Philip with one L, C. Whitford. 09:49:20
20	MR. BEN STANSON, Videographer,	20	W-h-i-t-f-o-r-d, 5491 Schaman Road, S-c-h-u-m-a-n, 109:49:24
21		23	Cross Plains, C-r-o-s-s, P-1-a-i-n-s, Wisconsin, 09:49:34
22		22	53528. 69:49:42
23	REPORTED BY: GAIL LIVIGNI, CSR	23	Q. That's your primary residential address? 09:49:42
24	CSR No. 84-1965.	24	A. This, My work address had been Capital 09:49:44
	Page 2	<u>:</u>	Page 4
3	THE VIDEOGRAPHER. We are now on the record. 09;43:56	J	Utoversity, Columbus, Ohio. Pm a Professor 09:49:48
	THE VIDEOGRAPHER. We are now on the record. 09(4):56 My prime is Bort Stanson representing Version Legal: 09(47):40		University, Columbus, Ohio. Pm a Professor 09:49:48 Emeritus Biology. 69:49:56
3			
3	My anme is Bon Stanson representing Ventext Legal: 09:47:40	2	Emeritus Biology. 69(49)56
3	My anime is Bon Stanson representing Version Legal: 09:47:40 Solutions. The date today is January JE, 2008, and 09:47:44	3 4	Functions Biology. 19:49:56  Q. Thenk you. 1 know we men briefly of # 109:49:56
3 1 4	My name is Bon Stanson representing Ventext Legal: 09:47:481 Solutions: The date today is January 12, 2008, and: 09:47:441 the time is approximately 9:41 a.m. 99:47:48	3 4 5	Foreiths Biology. 19:49:56  Q. Thank you. I know we met briefly off 109:49:56 the record. Let me just formally introduce myself, 109:49:58
3 3 4 5 6	My name is Bon Stanson representing Ventext Legal: 09:47:48  Solutions: The date today is January JE, 2018, and: 09:47:44  the time is approximately 9:41 a.m. 09:47:48  This deposition is being held in Leaby. 09:47:50	3 4 5	Rineritus Biology. 19:49:56  Q. Thank you. Tknow we succ briefly off 109:49:56 the record. Let me just formally introduce mysolf, 109:49:58 My name is Yitzehak Kupel. I represent the 109:50:02 Plaintiffs and the conflict classes in a class 109:50:04
3 4 5 6 7	My name is Bon Stanson representing Ventext Legal: 09:47:48  Solutions: The date today is January 12, 2008, and 09:47:44  the time is approximately 9:41 a.m. 09:47:48  This deposition is heiry held of Leaby. 09:47:50  bisochorg & Fraenkel formal at 23 West Means 09:47:54	2 3 4 5 6 7	Foreritors Biology. 19:49:56  Q. Thank you. Tknow we met briefly off 109:49:56 the record. Let me just formally introduce myself, 109:49:58 My name is Yitzehak Kupel. I represent the 109:50:02 Plaintiffs and the conflict classes in a class 109:50:04
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3 4 5 6 7	My name is Bon Stanson representing Ventext Legal: 09:47:48  Solutions. The date today is January JE, 2008, and 09:47:44  fins time is approximately 9:41 a.m. 09:47:48  This deposition is being field of Loahy. 09:47:50  bisochlory & Fraenkel located at 23 West Moorco 09:47:54  Street in Chacago, Blinois and is being trien by 09:47:56  Counsel for the Plaint Gs. The ception in this 09:48:03  onso is Josune Hart, et al., versas BHH, LLC, et 09:48:62	2 3 4 5 6 7	Foreiths Biology.  Q. Thank you. I know we met briefly off 09:49:56 the record. Let me just formally introduce myself, 09:49:58 My name is Yizzhak Kupel. I represent the 09:50:04 Pluintiffs and the conflict classes in a class 09:50:04 action lawsuit against BHH, LLC and Van Hunser, 09:50:06 LLC. 09:50:12
3 3 4 5 6 7 8 9	My name is Bon Stanson representing Ventext Legal: 09:47:48  Solutions. The date today is January JE, 2008, and 09:47:44  fins time is approximately 9:41 a.m. 09:47:48  This deposition is being field of Loahy. 09:47:50  bisochlory & Fraenkel located at 23 West Moorco 09:47:54  Street in Chacago, Blinois and is being trien by 09:47:56  Counsel for the Plaint Gs. The ception in this 09:48:03  onso is Josune Hart, et al., versas BHH, LLC, et 09:48:62	2 3 4 5 6 7 8 9	Boneritus Biology.  Q. Thank you. I know we met briefly off 09:49:56 the record. Let me just formally introduce myself, 09:49:58 My name is Yitzehak Kupel. I represent the 09:50:02 Plaintiffs and the cordinal classes in a class 09:50:04 action lawsuit against BHH, LLC and Van Hunser, 09:50:06 LLC. 09:50:12 I'm going to be asking you some 09:50:12
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3 4 4 5 6 7 8 9 70 11 12	My name is Bon Stanson representing Verriext Legal: 09:47:48  Solutions. The date today is January 12, 2018, and 09:47:48  this time is approximately 9:41 a.m. 99:47:48  This deposition is being field of Leaby. 09:47:50  bisochery & Fraenkel located at 33 West Mearce 09:47:54  Street in Chacago, Blinois and is being total by 09:47:56  Counsel for the Plaint 6s. The caption in this 09:48:03  onse is Josano Hart, et al., versus 18111, LLC, et 09:48:02  Al. 09:48:62  This ense is being held in the U.S. 199:48:03	2 3 4 5 6 7 8 9 10	Romeritus Biology. Q. Thank you. I know we met briefly off 09:49:56 the record. Let me just formally introduce myself, 09:49:58 My name is Yizzdak Kopel. I represent the 09:50:02 Plaintiffs and the confided classes in a class 09:50:04 action lawsuit against BHH, LLC and Van Hunser, 09:50:06 LLC. 09:50:12 I'm going to be asking you some 09:50:12 questions today in connection with that lawsuit. 09:50:12 Do you understand that? 09:50:14
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3 4 5 6 7 8 9 70 11 12 13	My name is Bon Stanson representing Ventext Legal: 09:47:48  Solarions. The date today is January 12, 2008, and 09:47:44  the time is approximately 9:41 a.m. 09:47:48  This deposition is being held of Leaby, 09:47:50  bisochlory & Fraenkel located at 33 West Meance 09:47:54  Shoot in Chacago, Blinois, and is being token by 09:47:56  Counsel for the Plaint Gs. The caption in this 09:48:03  onso is Josane Hart, et al., versus BHH, LLC, et 09:48:02  Al. 09:48:32  This onso is being held in the U.S. 09:48:08  Dicated Court, Southern District of New York, case 09:48:10  number 1:15-CV-04804 The name of the witness is 09:48:14	2 3 4 5 6 7 8 9 10 11 12 13	Romeritus Biology.  Q. Thank you. I know we met briefly off   09:49:56   the record. Let me just formally introduce myself,   09:49:58   My name is Yitzehak Kupel. I represent the   09:50:02   Plaintiffs and the conflict classes in a class   09:50:04   action lawsuit against BHH, LLC and Van Hunser,   09:50:06   LLC.   09:50:12   I'm going to be asking you some   09:50:12   questions today in connection with that lawsuit.   09:50:12   Do you nadoustand that?   09:50:14   A. Yes.   09:50:16   Q. And you're not being sued and you're not   09:50:16
3 3 4 5 6 7 8 9 70 11 12 13 14 15	My name is Bon Stanson representing Verifical Legal: 09:47:40  Solutions. The date today is January 12, 2018, and 09:47:44  this time is approximately 9:41 a.m. 99:47:48  This deposition is being held of Leaby. 09:47:50  Bisenburg & Fraenkel located at 23 West Meance 99:47:54  Street in Chacago, Blinois and is being token by 99:47:56  Counsel for the Plaint Cs. The caption in this 99:48:03  onse is Josano Hart, et al., versus BHH, LLC, et 99:48:03  Al. 99:48:32  This onse is being held in the U.S. 99:48:08  District Court, Southern District of New York, case 39:48:10  number 1:15:40V-04804. The name of the witness is 99:48:14  Pichp Whitford, Ph.D. At this time, the attorneys 69:48:20	2 3 4 5 6 7 8 9 10 11 12 13	Romeritus Biology.  Q. Thank you. Tknow we met briefly off 09:49:56 the record. Let me just formally introduce myself, 09:49:58 My name is Yizzdak Kopel. I represent the 09:50:02 Plaintiffs and the corrified classes in a class 09:50:04 action lawsuit against BHH, LLC and Van Hunser, 09:50:06 LLC. 09:50:12 Imaging to be asking you some 09:50:12 questions today in connection with that lawsuit. 09:50:12 Do you industrial that? 09:50:14 A. Yes. 09:50:16 Q. And you're not being sued and you're not 09:50:20
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3 3 4 5 6 7 8 9 70 11 12 13 14 15 16 17	My name is Bon Stanson representing Ventext Legal: 09:47:48  Solarions. The date today is January 12, 2008, and 09:47:44  this time is approximately 9:41 a.m. 09:47:48  This deposition is being held of Leaby. 09:47:50  Bisochlorg & Fraenkel locured at 33 West Meance 09:47:54  Shoot in Chocago, Blinois and is being token by 09:47:56  Counsel for the Plaint Gs. The caption in this 09:48:03  onso is Josano Hart, et al., versus BHH, LLC, et 09:48:02  Al. 09:48:62  This onso is being held in the U.S. 09:48:08  District Court, Southern District of New York, case 09:48:10  number 1:15-0V-04804. The name of the witness is 09:48:14  Pichip Whitford, Ph.D. At this time, the attorneys 09:48:20  present in the rozon and everyone oftending remotely 09:48:22  will identify thorosolves and the parties they 09:48:26  represent. 09:48:28	2 3 3 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17	Pose Biology.  Q. Thank you. Tknow we met briefly off 09:49:56 the record. Let me just formally introduce myself, 09:49:58 My name is Yirzehak Kupel. I represent the 09:50:02 Plaintiffs and the comflied classes in a class 09:50:04 action lawsuit against BHH, LLC sac Van Hunser, 09:50:06 LLC. 09:50:12 Imaging to be asking you some 09:50:12 questions loday in connection with that lawsuit. 09:50:12 Do you indicasted that? 09:50:14 A. Yes. 09:50:16 Q. And you're not being sued and you're not 09:50:16 a party to this lawsuit. You understand that? 09:50:20 A. Currect. 09:50:22 Q. Have you ever sat for a doposition 09:50:22 before? 09:50:24
3 3 4 5 6 7 8 9 9 10 11 12 3 14 15 16 17 18	My name is Bon Stanson representing Verifical Legal: 09:47:48  Solutions. The date today is January 12, 2018, and 09:47:44  this time is approximately 9:41 a.m. 99:47:48  This deposition is being held of Leaby. 09:47:50  bisochlory & Fraenkel located at 23 West Meance 09:47:54  Street in Chacago, Blinois, and is being token by 09:47:56  Counsel for the Plaint Cs. The caption in this 09:48:03  onse is Josano Hart, et al., versus BHII, LLC, et 09:48:03  al. 09:48:82  This onse is being held in the U.S. 09:48:08  District Court, Southern District of New York, case (89:48:10 number 1:15:40V-04804. The name of the witness is 09:48:14  Pichp Whitford, Ph.D. At this time, the attorneys (69:48:20 present in the mean and everyone oftending remotely 09:48:22 with identify theoreselves and the parties they 09:48:06  Topresent 19:48:28  MR KOPEL: Yitzehak Kopel, Burson & Fisher, 09:48:28	2 3 3 4 4 5 6 6 7 7 8 8 9 10 11 12 13 14 14 15 16 17 38 19	Rober No.   109(49):56
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3 3 4 5 6 7 8 9 70 11 12 3 14 15 16 17 18 19 20 21 22	My name is Bon Stanson representing Verifical Legal: 09:47:48  Solutions. The date today is January 12, 2018, and 09:47:44  this time is approximately 9:41 a.m. 09:47:48  This deposition is being held in Leaby. 09:47:50  bisocology & Fraenkel located at 33 West Meance 09:47:54  Street in Checago, Blinois, and is being token by 09:47:56  Counsel for the Plaint Gs. The caption in this 09:48:03  onso is Josano Hart, et al., versus BHH, LLC, et 09:48:02  Al. 09:48:32  This case is being held in the U.S. 199:48:08  District Court, Southern District of New York, case 09:48:10  number 1:15-CV-04804. The name of the witness is 09:48:14  Plulp Wintford, Ph.D. At this time, the attorneys 09:48:20  present in the rown and everyone attenting remotely 09:48:26  represent. 199:48:28  NCR KOPEE: Yitschak Kopet, Burson & Fisher, 09:48:34  P.A. typerstanting Plaintiffs and the conflict. 199:18:32  classes, With rac today is my celleague Alec. 199:18:34  Levile. 199:48:36	2 3 4 4 5 6 6 7 7 8 8 9 100 11 12 13 14 15 16 17 38 19 20 21	Described Biology
3 3 4 5 6 7 8 9 70 11 12 3 14 15 16 17 18 19 20 21 22	My name is Bon Stanson representing Verifical Legal: 09:47:40  Solutions. The date today is January 12, 2018, and 09:47:40  this time is approximately 9:41 a.m. 99:47:48  This deposition is being held of Leaby. 09:47:50  bisochlory & Fraenkel located at 23 West Meance 09:47:54  Street in Chacago, Blinois, and is being token by 09:47:56  Counsel for the Plaint is. The caption in this 09:48:03  onse is Josano Hart, et al., versus BHII, LLC, et 09:48:03  This case is being held in the U.S. 09:48:03  District Court, Southern District of New York, case 09:48:10  number 1:15-0V-04804. The name of the witness is 09:48:14  Pichp Whitford, Ph.D. At this time, the attorneys 09:48:20  present in the mean and everyone attenting remotely 09:48:22  with identify theoreselves and the parties they 09:48:06  represent. 19:48:28  MR. KOPET: Yitzehak Kopet, Burson & Fisher, 09:48:34  Lecte. 09:48:36  MR. CETORIC: Robert Ostojie on behalf of the 09:48:36	2 3 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16 17 38 19 20 21 22	Described Biology
3 3 4 5 6 7 8 9 9 10 11 12 3 14 15 16 17 18 19 20 21 22 23	My name is Bon Stanson representing Verriext Legal: 09:47:48  Solutions. The date today is January 12, 2018, and 09:47:48  This deposition is being held at Leahy, 09:47:50  bisection of the Plaint of the caption in this 09:47:54  Street in Chacago, Blinois, and is being token by 09:47:56  Counsel for the Plaint of the caption in this 09:48:03  onse is Johanne Hart, et al., versus BHH, LLC, et 09:48:03  onse is being held in the U.S. 19:48:03  District Court, Southern District of New York, case 09:48:10  number 1:15:-CV-04864. The name of the witness is 09:48:14  Pichp Whitford, Ph.D. At this time, the attentops 09:48:29  present in the room and everyone attenting remotely 09:48:29  will identify thomselves and the parties they 09:48:20  represent 19:48:28  NR. KOPET: Yitzehak Kopet, Burson & Fisher, 09:48:28  P.A. representing Plaintiffs and the cavificat 19:48:33  classes, With rac today is my colleague Alice 19:48:34  Levie. 09:48:36  MR. GSTOJIC: Robert Ostojie on behalf of the 09:48:36  Defendant, BHH, LLC. 09:48:40	2 3 3 4 4 5 6 6 7 7 8 8 9 10 11 12 13 14 15 16 17 38 79 20 21 22 23	Described Biology

		:	··
1	we'll get to that shortly. Did you testify at 09:50:38	1	violvally. Head nods or things like un-hub are not 09:52:10
2	trial in that case? (9):50:40	2	going to work because it doesn't come out on the 09:52:14
3	A. Nope. 09:50:42	3	transcript, okay? 09:52:16
4	Q. You submitted expert reports in that 09:50:42	4	A. I will do my best. 09:52:16
5	case? 09:50:44	5	Q. Thunk you. Is there any reason that you   09:52:18
6	A. I did. 09(50)44	6	caused testify truthfully and accurately today? 09:52:22
1 7	Q. How many? 09.50;44	1 7	A. Nothing that I'm aware of: 09:52;24
8	A. Just one. 09.50:46	8	Q. Okay. 09:52:26
9	Q. Okuy. Sa before we continue, I just 09:50:46	٥	MR, KOPFU: I'm going to ask the Court 09:53:00
10	want to discuss some ground rules for today. Do 09:50:56	10	
11	you understand that you're testifying under early? 09:50:58	;;	
12	A. I do. 09:51:60	12	•
13			
	Q. Do you reallest and that you have the same 09:51:02	13	(WHEREOPON, certain documents were 09:53:10
11/	obligation to rell the fruth here today as you 09:51:02	14	marked Whitford Deposition Exhibit
15	would before a judge and a jury? 09.51:04	15	Nos. 1 and 2, for identification,
16	A. I de. 09.51:06	16	as of 01/12/2018.)
17	Q.—So it's very important that we 09:51:08	17	BY MR, KOPEL
18	communicate clearly today. I'm going to ask you a = 09:51:10	18	Q. Dr. Whitford, do you have Exhibit 17 09:53:58
19	lot of questions in connection with this case. If 09:51:12	19	A. I do. 09:54:04
20	you don't understand anything, please just let me = 09:51:14	20	Q. Have you seen it before? 09:34:04
21	know, and I will try to clarify it for you, okay? 09:51:16	21	A. Yes. 09:54:06
22	A. Very well, 09:51:20	22	Q. What is it? 09.54;06
23	Q. Do you understand that you are being 09:51:20	23	A. It's a summary of my comments following 09 54:06
24	represented today by Counsel who is siming right = 09.51(22	24	review of Hari versus et al or Hart, et al. 09:54:50
$\perp$	Page 6		Page \$
1	next to you? 09:51:24	l	versus BHH, LLC following reading the depositions (9:54:14)
1	•		
2	A. Yes. 09:51:26	1 2	and booking at test results in the case them Hart. 109:54:20
3		2 ا	and looking at test results in the case from Harr, - 09:54:20  Jeanne Hurt, Sandra Bueno, and I think it's was - 09:54:34
1	Q. Today's deposition is being videotoped. 09:51:26	2 3 4	Joanne Hun, Sandra Bueno, and I think it's was = 09(54)34
3 4	Q. Trickry's deposition is being videotoped. 09:51:26 Do you understand ther? 09:51:28	ز 4	Feature Hum, Sandra Bueno, and I think it's was   09:54:34 it Diane Feinstein?   09:54:44
3 4 5	Q. Today's deposition is being videotoped. 09:51:26  Do you understand that? 09:51:28  A. Hard not to looking at the earners. 09:51:30	4 9	Feanne Hun, Sandra Bueno, and I think it's was = 09(54)34 it Dione Feinstein?
3 4 5 6	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera. 09:51:30  Q. Fair enough. Do you understand that 09:51:32	4 9	Jeanne Hun, Sandra Bueno, and I think it's was 09:54:34           it Diane Feinstein?         09:54:44           Q. Debbie Feneratein.         09:54:48           A. Debbie Feneratein.         09:54:48
3 4 5 6 7	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera. 09:51:30  Q. Pair enough. Do you understand that 09:51:32  (there is a Court Reporter here today and the Court 09:51:34	4 9 6 7	Feanne Hun, Sandra Bueno, and I think it's was = 09:54:34 it Dione Feinstein?
3 4 5 6 7 8	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the earners. 09:51:30  Q. Pair enough. Do you understand that 09:51:32  (there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36	4 4 5 6 7 8	Feanne Hun, Sandra Bueno, and I think it's was 09:54:34 it Diane Feinstein? 09:54:44 Q. Debbie Feaerstein. 09:54:48 A. Debbie Feaerstein. 09:54:48 Q. Okay, thank you. And when you say (9):54:50 summary, is this your expert report in this case? 09:54:50
3 4 5 6 7 8	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  there is a Court Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  the record? 09:51:38	3 4 9 6 7 8	Feanne Hun, Sandra Bueno, and I think it's was 09:54:34 it Diane Feinstein? 09:54:44 Q. Debbie Federstein. 09:54:48 A. Debbie Federstein. 09:54:48 Q. Okay, thank you. And when you say (89:54:50 summary, is this your expert report in this case? 09:54:50 A. That would be my expert report from the 09:54:56
3 4 5 6 7 8 9	Q. Today's deposition is being videotoped, 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera, 09:51:30  Q. Pair enough. Do you understand that 09:51:32  there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  the record? 09:51:38  A. Absolotely. 09:51:38	4 5 6 7 8 9	Feanne Hun, Sandra Bueno, and I think it's was 09:54:34 it Diane Feinstein? 09:54:44 Q. Debbie Feaerstein. 09:54:48 A. Debbie Feaerstein. 09:54:48 Q. Okay, thank you. And when you say 09:54:50 summary, is this your expert report in this case? 09:54:50 A. That would be my expert report from the 09:54:56 first information I received. 09:54:58
3 4 5 6 7 8 9	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the camera. 09:51:30  Q. Pair enough. Do you understand that 09:51:32  there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  the record? 09:51:38  A. Absolately. 09:51:38  Q. So let's please try to speak at a 09:51:38	3 4 5 6 7 8 9 10	Feanne Hun, Sandra Bueno, and I think it's was 09:54:34 it Diane Feinstein? 09:54:44 Q. Debbie Feaerstein. 09:54:48 A. Debbie Feaerstein. 09:54:48 Q. Okay, thank you. And when you say 09:54:50 summary, is this your expert report in this case? 09:54:50 A. That would be my expert report from the 09:54:56 first information I received. 09:54:58 Q. Okey, thank you. Can you please take a 09:55:00
3 4 5 6 7 8 9 10	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the earners. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  There is a Court Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  One record? 09:51:38  A. Absolorely. 09:51:38  Q. So let's please my to speak at a 09:51:38  reasonable pace on that the Court Reporter is able 09:51:40	4 5 6 7 8 9 10 11 12	Feanne Hun, Sandra Bueno, and I think it's was 09:54:34 it Diane Feinstein? 09:54:44 Q. Debbie Fenerstein. 09:54:48 A. Debbie Fenerstein. 09:54:48 Q. Okay, thank you. And when you say 09:54:50 summary, is this your expert report in this case? 09:54:50 A. That would be my expert report from the 09:54:56 first information I received. 09:54:56 Q. Okay, thank you. Can you pleaso take a 09:55:00-look at Exhibit 29 09:55:02
3 4 5 6 7 8 9 10 11 12 13	Q. Today's deposition is being videotoped, 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera, 09:51:30  Q. Fair enough. Do you understand that 09:51:32  there is a Court Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  the record? 09:51:38  A. Absolotely. 09:51:38  Q. So ler's please try to speak at a 09:51:38  reasonable pace on that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44	3 4 5 6 7 8 9 10 11 12 13	Feanne Hun, Sandra Bueno, and I think it's was 09:54:34 it Diane Feinstein? 09:54:44 Q. Debbie Fenerstein. 09:54:48 A. Debbie Fenerstein. 09:54:48 Q. Okay, thank you. And when you say 09:54:50 summary, is this your expert report in this case? 09:54:50 A. That would be my expert report from the 09:54:56 first information I received. 09:54:56 Q. Okey, thank you. Can you pleaso take a 09:55:00 look at Exhibit 2? 09:55:00 A. Yes. 09:55:06
3 4 5 6 7 8 9 10 11 12 13 14	Q. Today's deposition is being videotoped, 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera, 09:51:30  Q. Fair enough. Do you understand that 09:51:32  (there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  (the record? 09:51:38  A. Absolorely, 09:51:38  Q. So ler's please try to speak at a 09:51:38  reasonable pace so that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46	3 4 5 6 7 8 9 10 11 12 13	Reanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Federstein.   09:54:48     A. Debbie Federstein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report from the   09:54:56     first information I received.   09:54:56     Q. Okey, thank you. Can you please take a   09:55:00     took at Exhibit 2?   09:55:00     Q. Do you have Exhibit 2?   09:55:06
3 4 5 6 7 8 9 10 11 12 13 13 14 15	Q. Today's deposition is being videotoped, 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the camera, 09:51:30  Q. Pair enough. Do you understand that 09:51:32  There is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  The record? 09:51:38  A. Absolutely. 09:51:38  Q. So let's please my to speak at a 09:51:38  reasonable pace so that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46	3 4 5 6 7 8 9 10 11 12 13	Feanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Feaerstein.   09:54:48     A. Debbie Feaerstein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report from the   09:54:56     first information I received.   09:54:58     Q. Okay, thank you. Can you please take a   09:55:00     look at Exhibit 2?   09:55:00     A. Yes.   09:55:06     Q. Do you have Exhibit 2?   09:55:06     A. Ido.   09:55:14
3 4 4 5 6 7 8 9 10 11 12 13 14 15 36	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the earners. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  There is a Court Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  The record? 09:51:38  A. Absolorely. 09:51:38  Q. So ler's please my to speak at a 09:51:38  reasonable pace on that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46  Reporter to get down what we say it'we ever talk 09:51:48	3 4 5 6 7 8 9 10 11 12 13	Feanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Feneratein.   09:54:48     A. Debbie Feneratein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report from the   09:54:56     first information I received.   09:54:56     Q. Okay, thank you. Can you pleaso take a   09:55:00     took at Exhibit 2?   09:55:00     Q. Do you have Exhibit 2?   09:55:06     A. I do.   09:55:14     Q. Have you see: it before?   09:55:16
3 4 5 6 7 8 9 10 11 12 13 13 14 15	Q. Today's deposition is being videotoped, 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the camera, 09:51:30  Q. Pair enough. Do you understand that 09:51:32  There is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  The record? 09:51:38  A. Absolutely. 09:51:38  Q. So let's please my to speak at a 09:51:38  reasonable pace so that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46	3 4 5 6 7 8 9 10 11 12 13 14	Feanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Feaerstein.   09:54:48     A. Debbie Feaerstein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report from the   09:54:56     first information I received.   09:54:58     Q. Okay, thank you. Can you please take a   09:55:00     look at Exhibit 2?   09:55:00     A. Yes.   09:55:06     Q. Do you have Exhibit 2?   09:55:06     A. Ido.   09:55:14
3 4 4 5 6 7 8 9 10 11 12 13 14 15 36	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the earners. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  There is a Court Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  The record? 09:51:38  A. Absolorely. 09:51:38  Q. So ler's please my to speak at a 09:51:38  reasonable pace on that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46  Reporter to get down what we say it'we ever talk 09:51:48	3 4 5 6 7 8 9 10 11 12 13 14 15	Feanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Feneratein.   09:54:48     A. Debbie Feneratein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report from the   09:54:56     first information I received.   09:54:56     Q. Okey, thank you. Can you pleaso take a   09:55:00     took at Exhibit 2?   09:55:06     Q. Do you have Exhibit 2?   09:55:06     A. I do.   09:55:14     Q. Have you see: it before?   09:55:16
3 4 4 5 6 7 8 9 10 11 12 13 13 14 15 36 77	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  (there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  (the record? 09:51:38  A. Absolotely. 09:51:38  Q. So ler's please try to speak at a 09:51:38  reasonable pace so that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46  Reporter to get down what we say it we ever talk 09:51:48  over each other, so I will try very hard to never 09:51:52	3 4 5 6 7 10 11 12 13 14 15 16 37	Feanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Feneratein.   09:54:48     A. Debbie Feneratein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report from the   09:54:56     first information I received.   09:54:56     Q. Okey, thank you. Can you please take a   09:55:00     look at Exhibit 2?   09:55:00     A. Yes.   09:55:06     Q. Do you have Exhibit 2?   09:55:06     A. Ido.   09:55:14     Q. Have you see: it before?   09:55:16     A. Absolutely.   09:55:16
3 4 4 5 6 7 8 9 100 111 12 13 36 17 18 18	Q. Today's deposition is being videotoped, 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the camera, 09:51:30  Q. Fair enough. Do you understand that 09:51:32  there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  the record? 09:51:38  A. Absolotely. 09:51:38  Q. So ler's please my to speak at a 09:51:38  reasonable pace on that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And if's very tough for the Court 09:51:46  Reporter to get down what we say if we ever talk 09:51:48  over each other, so I will try very hard to never 09:51:52  interrupt you while you're giving me answers to my 09:51:54	3 4 5 6 7 10 11 12 13 14 15 16 37 58	Reanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Federstein.   09:54:48     A. Debbie Federstein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report form the   09:54:56     first information I received.   09:54:58     Q. Okey, thank you. Can you please take a   09:55:00     look at Exhibit 2?   09:55:02     A. Yes.   09:55:06     Q. Do you have Exhibit 2?   09:55:16     A. Ido.   09:55:14     Q. Have you see: it before?   09:55:16     A. Absolutely.   09:55:16     Q. What is it?   09:55:18
3 4 4 5 6 7 8 8 9 10 11 12 13 13 14 15 36 17 18 19	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the camera. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  the record? 09:51:38  A. Absolately. 09:51:38  Q. So let's please try to speak at a 09:51:38  reasonable pace so that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46  Reporter to get down what we say it we ever talk 09:51:52  interrupt you write you're giving me answers to my 09:51:54  questions, and by the same token, I'E ask you to 09:51:56	13 4 5 6 7 10 11 12 13 14 15 16 37 18 29 20	Feanne Hun, Sandra Bueno, and I think it's was   09:54:34     it Diane Feinstein?   09:54:44     Q. Debbie Fenerstein.   09:54:48     Q. Okay, thank you. And when you say   09:54:50     summary, is this your expert report in this case?   09:54:50     A. That would be my expert report from the   09:54:56     first information I received.   09:54:56     Q. Okey, thank you. Can you pleaso take a   09:55:00     took at Exhibit 2?   09:55:00     Q. Do you have Exhibit 2?   09:55:06     A. Tea.   09:55:14     Q. Have you seed it before?   09:55:16     A. Absolutely.   09:55:16     Q. What is it?   09:55:18     A. It's the suremary comments and the   09:55:22     rebutual of Plaintiff's expert report for   09:55:22
3 4 4 5 6 7 8 9 10 11 12 13 36 17 18 19 20	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not in looking at the earners. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  There is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  The record? 09:51:38  A. Absolorely. 09:51:38  Q. So ler's please my to speak at a 09:51:38  reasonable pace on that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46  Reporter to get down what we say it'we ever talk 09:51:48  over each other, so I will try very hard to never 09:51:52  interrupt you write you're giving me answers to my 09:51:54  questions, and by the same token, Thi ask you to 09:51:56  please let me finish my questions before you begin 09:51:38	1 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16 37 58 39 20 21	Feanne Hun, Sandra Bueno, and I think it's was
3 4 4 5 6 7 8 8 9 10 11 12 13 36 17 18 19 20 21	Q. Today's deposition is being videotoped. 09:51:26  Do you understand ther? 09:51:28  A. Hard not to looking at the camera. 09:51:30  Q. Fair enough. Do you understand that 09:51:32  (there is a Cour. Reporter here today and the Court 09:51:34  Reporter is transcribing everything that we say for 09:51:36  (the record? 09:51:38  A. Absoloidy. 09:51:38  Q. So ler's please try to speak at a 09:51:38  reasonable pace so that the Court Reporter is able 09:51:40  to take down everything we say, okay? 09:51:44  A. Okay. 09:51:46  Q. And it's very tough for the Court 09:51:46  Reporter to get down what we say if we ever talk 09:51:48  over each other, so I will try very hard to never 09:51:52  interrupt you write you're giving me answers to my 09:51:54  questions, and by the same token, I'll ask you to 09:51:56  please let me finish my questions before you begin 09:51:58  your answers, okay? 09:52:00	1 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16 37 58 39 20 21	Reanne Hun, Sandra Bueno, and I think it's was
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		_	
1	A. Correct. 09:55:36	1	efficacy of Bell & Howelt restrepellers repelling   09:58:34
1.2	Q. Are they complete copies of your expert 99:55:38	2	and driving out insects? 09:58:40
3	reports? 09(55)42	3	A. That was actually Dr. Berth's area of = 09:58:40
1	A. I'm just making sure all parts are 09:56:08	1	expertise, not mine, 09:58:48
5	there. 09:56:10	5	Q. Okay, undorstood. So is the answer to 09:58:48
-6	Q. That's fine, take your time. 09:56:10	6	my question, no, you're not rendering any opinious 09:58:50
7	A. Yea, they are. 09:56:12	7	as to that topic? 09:58:52
8	Q. Okay, thank you. Do these reports 09:56:12	8	MR. OSTOJIC: Objection, form. Topic being 09:58:54
9	contain a complete statement of all the opinions 09:56:14	9	insects? 09:58:56
10	you will express and the bases and reasons for 09:56-18	10	BY MR. KOPEL: 09:58:56
111	thera? 09 56;24	ш	Q. Conect. 09:58:58
12	<ul> <li>A. Prohably not due to the fact that I = 09:56(24)</li> </ul>	12	A. I wasn't asked to address that. 09:58:58
13	received the last materials in the case only the = 09:56:28	13	Q. Okay. And I'm sony, you know, this is 09:59:04
14	day hefore Dr. Potter's deposition, and that was (19:56:32)	14	a deposition, it's not a formal conversation. 09:59:06
15	the actual data records, testing results and such, - 09:56:36	15	A. Right. 09:59:08
16	so I couldn't address those previously, so that was   09:56:42	16	Q. Excuse me, it's a more formal setting 09:59:08
17	not in here yet. 09:36:46	17	than a conversation, so my question is just 09:59:12
18	Q. Okay. And did the documents you 09:56:48	18	confirmation that you are not rendering any 19:59:14
19	reviewed from that production change any of the 09:56:54	19	opinions on the efficacy of Bell & Howell regellers   09:59:16
20	opinions you expressed in these roports? 09.56(56)	20	as to inscrib, is that correct? 09:59:22
21	A. They made the opinions considerably (9:56:58)	21	A. Only to the extent that, looking at the   09:59:24
22	stronger. 09:57:00	22	rests Dr. Potter has submitted introderence to 09:59:28
23	Q. Did it change any did it make any of 09:57:02	23	versus Dr. Borth's and the Chinese tests, that \$ 09:59:36
24	your opimons weaker? 09:57:06	24	ugree that there are differences of opinion between 09.59;40
	Page 10		Page 12
1	A. No. 09:57:06	ı	Or, Borth and Dr. Potter as 10 officacy, 09:39:44
2	Q. Okay. Now, please take a look at 09:57:08	1	But one of Dr. Potter's majo (bings is - 09:59:50
3	Exhibit 1. Was this report signed by you? 09:57:16	2	claiming that a study doesn't count unless it's 09:59:52
4	A. I don't recall having put a signature on -09:57:24	4	conducted in real world conditions, none of which = 09:59(56)
5	it. 09:57:28	5	in his references or his own tests necestred, and 10:00:00
6	Q.—80 the answer is no? 69:57:30	6	they did not occur in real world environments for 10:00:06
: 7	A. It was tarusmitted by computer, so the = 09:57:32	7	the Chinese insects test. They were all done in 10:00:10
8	answer is no, 3 didn't have a racens to sign it. 99(57)36	8	artificial containers. So Dr. Polier's main claim 10:00:12
9	Q. Okay, thank you. And the same question = 09:57(40	9	is (5)t's done in an artificial setting, it's not = 10:00:18
10	for Exhibit 2? 09:57:42	10	va0d. ±0:00:22
11	A. Same answer. 09:57:42	11	Q. Other than what you just stared, and you 19:00:22
12	Q. What is what was your assignment in 09:57:44	12	readering any opinions as to the efficacy of 10:00;28
13	this cuse? 09:57:50	13	Bell & Howell repellers in repelling or driving ont 10:00;30
34	Al. To read and evaluate the depositions. 69:57:52	14	insects? 10:00:34
3.5	the comments, rebottal comments, and the actual09:58:00	15	A. No. 10:00:34
£6	data of tests and give my best appraisal of the 09:56:04	16	Q. Can we agree just for shorthand that 10:00:36
:7	validity or lack of validity of tanse tests. 09:58:14	17	when I say the word insects today, I'm referring to 10:00:40
58	Q. Are you an expert witness in this case? 09:58:16	18	aunts, spiders and reaches, is that okay? 10:00:42
39	A. Yes. 09:58:20	19	A. Absolumiy. 10:00:44
20	Q. Are you rendering opinions as to the 09:58:22	20	Q. 1 understand that may not be entirely 10:00:46
21		21	scientifically accurate. Are you condering any 10:00:48
22	repelling and driving out rodents? 09:58:32	22	opinions on damages in this case? 10:00:56
23	A. 1 ans. 09:58:34	23	A. I'm uncertain what you mean by damages. 10:01:00
24	Q. Are you rendering any opinions as to the 09:58:34	24	Q. Sure. You undersland that it a lawsuit 10:01:02
	Page J1		Page 13
		-	

1	plaintiffs are secking money from defendants? 10:01:14	1	an outuagologist? 10:04:08
2	A. Okay, that form of damages, not damages 10:05:16	2	A. I am not an entomologist, but I'm u 10:04:08
3	done by posts to a house? 10:01:18	3	broadly trained biologist who has taught 10:04:10
! 4	Q. Correct. So going by that definition, 10(01):20	4	entomology, parashology, vertebrate biology, you = 16(04)14
5	are you cendering any opinions as to damages in 10:01:22	5	name it, 28 separate courses over the coorse of 10:04:18
6	this case? 10:01:24	ò	32 years. So I'm familiar with a great deal of the 10:04:22
7	A. In terms of whether they're appropriate 10:01:26	7	entomology from the standpoint of animal hehavior 10:04:28
8	or how much, no, that's not my job. 10:01:30	8	which has at least a fourth of the materials in 10:04:32
9	Q. Okisy, thank you. Now, take a look at 10:01:32	9	that course dedicated to behavior of insects? 10:04:34
10	Exhibit J. please. Does this report contain a list 10:01:40	10	Q. Are you a rodemologist? \$0:04:38
11	of all facts or data you considered in forming your 10:01:46	1)	A. I'm not a rodentologist. Theve taken = 10:04:42
12	opinions? 10:01:52	12	mammalogy and I certainly know my rodents well. 10:04:46
13	MR. OSTOJIC: Object to form, foundation. 10:01:52	13	Dr. Charles Long from UW-Stevens Point who was 10:04:50
14	With respect to this Exhibit 1? J0:01(56)	14	referenced was my professor. He toode sine that 7 = 10:04:54
\$5	BY MR. KOPEL: 10:01:56	15	could identify ever mouse, vole, small mammal and 10:04:58
16	Q. Correct, with respect to Exhibit 1. 10:01:56	16	large manuful in Wisconsin by one hair or one toots 10:05:02
17	A. Okay, The question again, please. 10:02:00	17	lighted gor out of the class, so I do have some 10:05:06
18	Q. Sure, Does Exhibit Leonarin a list of 10:02:00	18	background in it, and I have many years of records 10:05:10
19	all facts or data that you considered in forming 10:02:04	19	dealing with redents in areas around and on my farm 10:05:14
20	year opinions? 10:02:08	20	and other places. 10:05:20
23	A. As I say, I didn't have the last of the 10:02:10	21	Q. Are you referring to your lesting of the 10:05:20
22	data until the day before Dr. Potter's deposition, 10.02:12	22	Transonic Pro? 10:05:26
23	so it does not contain ali of the facts 10:02:16	23	A. Only in part. 10:05;26
: 24	Q. Okay. 10:02:18	24	Q. What else are you referring to? 10:05:28
i	Page 14		Page 16
L	A. To contains the facts that I had at the = 10.02;20	1	A. 50 years of tropping mice in the house, \$0.05.30
2	time that I wrote it. 10:02:24	2	working with the sheds and barns for the same 10.05(36)
1	Q. Does this report contain a list of all = 10:02:26	. 3	purposes, always paying attention to what species 10:05:38
1	facts or data you considered in ferming the 10:02:30	•	t'm sering and manifors of them. 10:05:42
1	opiniona fisted in Exhibit 17 10:02:32	5	Q. Have you covered the rapid of \$0.05:44
	A. Yes. 10:02:38	6	redestulogy in the courses you've taught? 10:05:50
7	Q. Same question for Exhibit 2? 10:02:36	١,	A. I don't think there is a topic of 10:05:52
. 8	A. Yes. 10:02:40	8	redentalogy there; but if one-fourth of the 10-05:54
. 9	O. Does Exhibit I contain a statement of 10:02:44	9	material is on insects, at least one-fourth of 10:05:58
1	Janw much you're being compensated in this case? 10:02:48	10	animal behavior is dedicated largely to the studies 10:06:00
J,	A. I don't know whether it does, but \$100 = \( \text{0.02:52} \)	111	
1	an hour. 10:02:58		studied in psychology and in animal behavior 10:00:06
1.3	Q. Okuy, thanks. But you do have Exhibit 1 10:02:58	13	because they're easy to mainrain. 10:06:10
14		14	Q. Have you ever worked outside of 10:00:12
15	A. Yes. 10:03:02		sesdemia? 10:06:16
16	Q. Can you please let me know does 10:03:02.	: 16	
17	Exhibit 1 contain a statement of your compensation 10:03:04	17	Q. Where? 10:06:18
18	Jn rhis case? 10:03:08	18	· · · · · · · · · · · · · · · · · · ·
19	A. I do not recall. I don't see any in the 10:09:14	19	
20	areas I would expect it to be found if I did, 10:03:32	20	for making connections with aging - I'm mying to 10:06:32
21	Q. Same question for Exhibit 2, please. 10:03:34	21	think of the right terms for them now - the 10:06:40
22	A. No. 10:03:40	22	
23	Q. I'd just like to talk with you, please, 10:03:56	23	
1	about your qualifications and background. Are your 10:04:00	1	funds, other kinds of needed things, social 10:06:56
-	Page J.5	:	Page 17
			····

	interactions and setting up places where they could   10:07:02	1	have tested almost all of first various socio and = 10:09:30
: 2	have meetings, he served toods, other things 10:07:06	2	ultrasonic devices against whatever species they've = 10:09.34
3	working with that cohort and analyzing the needs of 16:07:12	3	requested me to test it on to find out whether they 110:09(38)
4	elderty people in those eight counties and 90:07:22	4	showed efficacy or not; so that included ties, 10:09:42
5	summarizing them so that we could address them. 10:07:26	5	long-logged celler spiders, unts, bod bugs, 10:09:46
6	Q. Okay, thank you. Any ofact jobs outside: 10:07:28	Б	squirrels, mice, deer, niccoons. So whatever they 10:09:54
7	of academia that you can Jist? 10:07:32	7	wanted tested, I would test for them and tell them = 10:09:58
8	A. Tending ear in Central Wisconsin, 10:07:36	8	itonestly whether I shought they had efficacy or 10:10:02
9	working at Clark Stations being shot at 10:07:38	9	лос. 10 !0:06
10	occasionally, better and mobed and things that 10:07:40	10	Q. Quiside of year work for Bird-X, have 10:10:06
11	would not have much application here. 10:07:44	11	you over done any consulting in the area of suban 10:10.12
12	I guess you'd have to count my 10.07(\$4	12	post management? 10:10:14
13	consuiting for Bird-X of Chicago, Illinois 10:07:56	13	A. Not so much as - not as a paid 10:10:22
14	Q. And you've done that for approximately 10:08:00	14	consultant, but I spent two years doing research at 10:10:24
15	39 16 years, corrupt? 10:08:02	15	the Madison Airport which was used by the airport 10:10:28
:6	A. 18 years, yes. 10:08:04	36	to change its way of managing possible goose 10:10:32
17	Q. Okay. Are you a salaried employee for 10:08:06	17	aircraft collision probabilities. By teacking the 10:10:38
18		18	movements of geese, I was able to reconnound that i 0:10:44
19	A. I'm not. 10:08:10	19	their idea that killing goese in the local parks 10:10.48
: 20	O. Do you get paid hourly? 10:08:10	20	would reduce the probability of aircraft 10:10:50
21	A. It do, same rate that I asked for this. 10:08.52	21	significantly, it was wrong, that it was caused 10:10:56
22	Q. Okay. Do you receive any royalties from 10:08:14	22	97 percent by migrant Canada geese and could be 10:11:00
23		23	resolved by simply removing the autraction near the 10:11:02
24	A. I do. 90:08:20	24	airport which was unfarmed fields of grain. 10:11:06
	Page 18		Page 20
,	O. Is that for all of their products or 10 05:22	1	And the tests showed that was right, we 10:11:12
2	nuly certain products? 10:08:26	2	got ir down by 97.6 percent by just they changed 10.11;14
] ]	A. Only the one that I'm responsible for 10:08.26	3	the lease on their fields that they owned nearest 10:11:18
4	designing and that's the Goose Buster, unfortunately 10:08:28	4	the airport, so that's consulting, but I did it not 10:11:20
5	named flatt Giu-uis (-Bip. sit-qui. It is designed = )0:08:34	5	for pay but at the request of a number of people in 10:13:26
6	to repul geosc, and 5's been tested and sold for 10:08:40	6	Madison who had requested my participation when 10:11:30
7	18 years now. 10:08:44	,	they started the political actions to get 10:11:34
8	O. That's an ultrasonic device? 10:08:46	8	permission to kill goese in the local packs. JR 11(40)
. ,	A. No, that's alarm and alert cells to the 10:08:50	١	O. Outside of year own home, have you ever 10 11:46
	Canada goese recorded in the wild used to make their 10:08:52	:	V / / / / / / / / / / / / / / / / /
1	leave. 10:08:56		rodents? 10:11:58
12	Q. Okay, And you provided the recordings 10:08:56	12	A. Not to the best of my recollection. 10:12:00
13		13	Q. Same question for insects? 10:32:02
14		14	
15	O. And do you receive any royalties for 10:08:58	15	Q Have you over trained professionals in 10:12:20
1	sales of their ultrasonic products? 10:09:00		the area of rodest control? 10:12:24
17	•	17	
18	Q. Have you ever performed any consulting 10 09:04	18	
1	in the area of pest annuagement? 10:09.32	19	•
!		20	Q. Other than your study involving the 10:12:36
20 21		21	
22		22	
23	A. That's the principal thing I work on. 10:09:20	23	A. I do not believe so. 10:12:54
	Consulting at the level of services to Bird-X, 1 10:09:24	24	Q. And you have a long list of 10:12:56
.74	Consuming at the level in responded to Burg-At, 1 10.09.24  Page 19		Q. The you have a long us of 10.12.50 Page 21
_		Ι.	· · · · · · · · · · · · · · · · ·

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	science-based publications. 10:12:58	1	of Bayos granules which were meant to be put in 10:15:30
2	A. I do. But as I run through my mind, I = 10:13:00	2	areas where you suspected mice and rats were moving 10:15:36
3	oun't recall any others specifically targeting 10:13:06	3	and see whether they picked enough of that up on 10:15:40
4	them. 10:13:08	4	their hands. It's an adversive chemical, They 10:15:44
5	Q. It looks like would you agree that 10:13:10	5	apparently did not like animals clean their 10(15)46
6	the majority of your career has been devoted to 10:13:12	6	paws. They appurently did not like the intense 10:15:50
7	studying goese behavior? 10;53;16	7	salts and gurlic and other flavors there. It was 10:15:52
8	A. Well, I'm a bit more of a dilatant than 10(19:18	Ŗ	very effective. I tested it for four months. 10:(5:56
9	that, but, yes, that was the focal point. I tend 10:13:20	9	Q. Have you published the results of your 10:16:00
10	to branch out and go to whatever attracted me for a 10:13:24	10	testing? 10:16:04
: 11	while and come back. 10:13:26	11	A. No, I just returned faces results to 10:16:04
12	Q. Do you have any publications regarding 10:13:28	12	Bird-X. Then they used that as a basis to decide 10:16:06
13	ants, spiders or reaches? 10:13:36		that they would handle the product. Office aversive (0.16:10)
: : 14	A. I do not. 10:13:38	:	chemicals I've been involved with are the use of 10:16:12
15	Q. Do you have any patents involving any 10:13:40		Guose-B-Gone which is an a grape seed flavoring 10:16.16
36			which has been very effective at keeping goose from 10:16:22
77	A. The patent for the GroseBuster is held 10:13:48	:	cating grass in areas where they congregate. And 10:16:24
38	by Bird-X. I just hold the copyright to the cause. 10:13:50		Fin familiar with the work on Alachior and other 10:16:32
39	Q. Okzy, thanks. Any others? 10:13:54		things which cause goest and birds to behave 10:16:36
20	A. No. 10:13:56	:	peopliarly when they ingest ir, 10:16:40
21	Q Have you ever been involved in the 10:13:56	20	
22	design of a repellent, pest repellent? 10:13:58		Q. Are you an expert on the physics of 10:16:40 ultrusonic sound? 10:16:42
23	A. I've been involved in designing several 10:14:02		
		23	A. I would certainly not say I'm an expert 10.16.46
2.1	things that Bird-X eventually came to sell, 10(14.06 Page 22	24	to the extent that somebody whose sole function in 10:16:50 Page 24
1	3-dimensional coyote decoy which rotates in the 10:14:08	1	life is to deal with that, but I've worked with [10:16:52]
2	wind and keeps moving, it has a furry tail so that 10:14:12	2	altrusound in the field and in the lab since 1982. 10(16)34
3	if's not just some fixing that sits out there and 10:14:16	3	I have a long familiarity with testing it on 10:17:02
1 4			
4	doesn't move, and ir's designed primarily as a 10:14:18	4	various animuls. 10:17:04
5	doesn't move, and it's designed primarily as a 10:14:18 gnose repellent. 10:14:22	4 5	various animuls. 10:17:04  Q. Have you ever tested its physical 10:17:04
1		5	
5	giosa repellent, J6:14:22	5 6	Q.—Have you ever tested its physical 10:17:04
5	gross repellent, J0:14:22  Q. Have your over been involved in the 10:14:22	5 6	Q.—Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10
5 6 7	gnose repellent, J0:14:22  Q. Have you over been involved in the 10:14:22 design of a repellent for mice or cats? 10:14:26	5 6 7 8	Q.—Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12
5 6 7 8 9	gnose repellent, J0:14:22  Q. Have you over been involved in the 10:14:22 design of a repellent for mice or case? 10:14:26  A. No. 10:14:32	5 6 7 8	Q.—Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A.—Yeah, back in the eighties in the 10:17:36
5 6 7 8 9	gnose repellent, J6:14:22  Q. Have you over been involved in the 10:14:22 design of a repellent for mice or case? 10:14:26  A. No. 10:14:32  Q. Have you ever been involved in the 10:14:32	5 6 7 8	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12  A. Yeah, back in the eighties in the 10:17:36 science sound tabs at UW-Milwapker I was testing 10:17:20
5 6 7 8 9 10	gnose repellent, J0:14:22  Q. Have you over been involved in the 10:14:22 design of a repellent for mice or case? 10:14:26  A. No. 10:14:32  Q. Have you ever been involved in the 10:14:32 design of a repellent for axis, spiders or roaches? 10:14:34	5 6 7 8 9 9	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or offer physical aspects of ultrasound? 10:17:12  A. Yeah, back in the eighties in the 10:17:36 science sound labs at UW-Milwacker I was testing 10:17:20 such things fixere. 90:17:24  Q. Now, there is a portion of Exhibit 1 10:17:34
5 6 7 8 9 10 11 J2	gnose repellent, J6:14:22  Q. Have you ever been involved in the 10:14:22 design of a repellent for mice or cats? 10:14:26  A. No. 10:14:32  Q. Have you ever been involved in the 10:14:32 design of a repellent for ants, spiders or roaches? 10:14:34  A. Absolutely not. 10:14:38	5 6 7 8 9 9 9 10 12	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12  A. Yeah, back in the eightics in the 10:17:36 science sound labs at UW-Milwapker I was testing 10:17:20 such things there. 90:17:24
5 6 7 8 9 10 11 12	gnuse repellent, J0;14;22  Q. Have you over been involved in the 10;14;22 design of a repellent for mice or case? 10:14;26  A. No. 10:14;32  Q. Have you ever been involved in the 10:14;32 design of a repellent for ants, spiders or reaches? 10:14;34  A. Absolutely not. 10:14;38  Q. Other than the Theosonic Pro and is 10:14;49	5 6 7 8 9 9 9 10 £1 £2 £3	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in the 10:17:16 science sound labs at LW-Milwackee I was testing 10:17:20 such things there. 90:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:4
5 6 7 8 9 10 11 J2 J3 14	gnuse repellent, J0:14:22  Q. Have you over been involved in the 10:14:22 design of a repellent for mice or case? 10:14:26  A. No. 10:14:32  Q. Have you ever been involved in the 10:14:32 design of a repellent for axis, spiders or reaches? 10:14:34  A. Absolutely not. 10:14:38  Q. Other than the Theosonic Pro - and is 10:14:40 it called the Yard Gard? 10:14:50  A. There is a Yard Gard, there is a Quad 10:14:52	5 6 7 8 9 80 81 12 23 14	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eightles in like 10:17:36 science sound labs at UW-Milwacker I was testing 10:17:20 such things there. 20:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:4 Document" in the case of Hurt, et al., et octera. 10:17:44
5 6 7 8 9 10 11 12 13 14	gnuse repellent, J0:14:22  Q. Have you over been involved in the 10:14:26  A. No. 10:14:32  Q. Have you over been involved in the 10:14:26  A. No. 10:14:32  design of a repellent for mice or case? 10:14:32  design of a repellent for acts, spiders or roaches? 10:14:34  A. Absolutely not, 10:14:38  Q. Other than the Theosodic Pro - and is 10:14:40  it called the Yard Gard? 10:14:50  A. There is a Yard Gard, there is a Quad 10:14:56  Blaster. There is a number of different sonic and 10:14:56	5 6 7 8 9 80 81 12 23 14	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in the 10:17:36 science sound labs at UW-Milwacker I was testing 10:17:20 such things there. 90:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:44 Document" in the case of Hurt, et al., et octera. 10:17:44 Cao you please flip to that portion of Exhibit 1? 10:17:48
5 6 7 8 9 10 11 12 13 14	gnuse repellent, J6;14;22  Q. Have you over been involved in the 10;14;22  design of a repellent for mice or case? 10:14;26  A. No. 10:14;32  Q. Have you over been involved in the 10:14;32  design of a repellent for ants, spiders or reaches? 10:14;34  A. Absolutely not, 10:14;38  Q. Orber than the Theosonic Pro - and is 10:14;40  it called the Yard Gard? 10:14;50  A. There is a Yard Gard, there is a Quad 10:14;52  Blaster. There is a member of different sonic and 10:14;56  uitrasonic devices that they sell. 10:14;58	5 6 7 8 9 30 11 12 23 14 15	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or ofter physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in the 10:17:36 science sound labs at UW-Milwackee I was testing 10:17:20 such things there. 90:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:4 Document" in the case of Hurt, et al., et cotera. 10:17:44 Cao you please flip to that portion of Exhibit 1? 10:17:48 It's part of your ibitial repost. Sorry, there is 10:18:02
5 6 7 8 9 10 11 12 13 14 15 16	gnuse repellent, J6;14;22  Q. Have you over been involved in the 10;14;22  design of a repellent for mice or case? 10:14;26  A. No. 10:14;32  Q. Have you over been involved in the 10:14;32  design of a repellent for ants, spiders or reaches? 10:14;34  A. Absolutely not, 10:14;38  Q. Orber than the Theosonic Pro - and is 10:14;40  it called the Yard Gard? 10:14;50  A. There is a Yard Gard, there is a Quad 10:14;52  Blaster. There is a member of different sonic and 10:14;56  uitrasonic devices that they sell. 10:14;58	5 6 7 8 9 30 11 12 23 14 15	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or ofter physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in the 10:17:36 science sound labs at LW-Milwackee I was testing 10:17:20 such things there. 20:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summury Comments Re the Amended Complaint 10:17:4 Document" in the case of Hurt, et al., et determ 10:17:44 Cao you please flip to that portion of Exhibit 1? 10:17:48 It's part of your ibitial topost. Sorry, there is 10:18:02 no numbered pages or paragraphs. It's a section of 10:18:06
5 6 7 8 9 10 11 12 13 14 15 16	gnuse repellent, J6:14:22  Q. Have you over been involved in the 10:14:26  A. No. 10:14:32  Q. Huve you ever been involved in the 10:14:26  A. No. 10:14:32  design of a repellent for mice or tass? 10:14:32  design of a repellent for ants, spiders or reaches? 10:14:34  A. Absolutely not. 10:14:38  Q. Other than the Theosonic Pro - and is 10:14:49  it called the Yard Gard? 10:14:50  A. There is a Yard Gard, there is a Quad 10:14:52  Blaster. There is a member of different sonic and 10:14:56  uitrasonic devices that they sell. 10:14:58  Q. So other thus the Trussonic Pro and the 10:15:00	5 6 7 8 9 30 12 23 14 15 16	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in the 10:17:36 science sound tabs at UW-Milwacker I was testing 10:17:20 such things there. 90:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:44 Document" in the case of Hurt, et al., et octera. 10:17:44 Cao you please flip to that portion of Exhibit 1? 10:17:48 It's part of your initial report. Sorry, there is 10:18:02 no numbered pages or paragraphs. It's a section of 10:18:06 your initial report. 10:18:08
5 6 7 8 9 10 11 12 13 14 15 16 17 18	gnuse repellent.  Q. Have you over been involved in the 10:14:22 design of a repellent for mice or cats? 10:14:26  A. No. 10:14:52 Q. Have you ever been involved in the 10:14:32 design of a repellent for ants, spiders or reaches? 10:14:34 A. Absolutely not. 10:14:38 Q. Other than the Theosopic Pro and is 10:14:40 it called the Yard Gard? 10:14:50 A. There is a Yard Gard, there is a Quad 10:14:52 Blaster. There is a member of different sonic and 10:14:56 ultrasonic devices that they sell. 10:14:58 Q. So other than the Transonic Pro and the 10:15:00 Yard Gard, have you been involved in the testing of 10:15:06 repellents for mice and rats? 10:15:10	5 6 7 8 9 30 11 12 23 14 15 16 17 18	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in the 10:17:36 science sound labs at LW-Milwackee I was testing 10:17:20 such things there. 90:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:44 Document" in the case of Hurt, et al., et octera. 10:17:44 Cao you please flip to that portion of Exhibit 1? 10:17:48 It's part of your initial report. Sorry, there is 10:18:02 no numbered pages or paragraphs. It's a section of 10:18:06 your initial report. 10:18:08 A. Summary Comments Re the Amended 10:18:20 Complaint Document. 10.18:20
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	gnose repellent, J6:14:22  Q. Have you over been involved in the 10:14:26  A. No. 10:14:32  Q. Have you ever been involved in the 10:14:36  A. No. 10:14:32  design of a repellent for mice or case? 10:14:32  design of a repellent for ants, spiders or reaches? 10:14:34  A. Absolutely not. 10:14:38  Q. Other than the Transonic Pro - and is 10:14:49  it called the Yard Gard? 10:14:50  A. There is a Yard Gard, there is a Quad 10:14:52  Blaster. There is a member of different sonic and 10:14:56  uitrasonic devices that they sell. 10:14:58  Q. So other thus the Transonic Pro and the 10:15:00  Yard Gard, have you been involved in the testing of 10:15:06  repellents for mice and rats? 10:15:16  A. Yes, Thave. 10:15:16  Q. That was also in the course of your work 10:15:16	5 6 7 8 9 80 11 12 23 14 15 16 17 18 19 20 21	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in like 10:17:36 science sound labs at UW-Milwacker I was testing 10:17:20 such things there. 90:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:44 Document" in the case of Hurt, et al., et octera. 10:17:44 Cao you please flip to that portion of Exhibit 1? 10:17:48 It's part of your initial report. Sorry, there is 10:18:02 no numbered pages or paragraphs. It's a section of 10:18:06 your initial report. 10:18:08 A. Summary Comments Re the Amended 10:18:20 Complaint Document. 10:18:22 Q. So you've got that? 10:18:24
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	gnose repellent, J6:14:22  Q. Have you over been involved in the 10:14:26  A. No. 10:14:32  Q. Have you ever been involved in the 10:14:36  A. No. 10:14:32  design of a repellent for mice or case? 10:14:32  design of a repellent for ants, spiders or reaches? 10:14:34  A. Absolutely not. 10:14:38  Q. Other than the Transonic Pro - and is 10:14:49  it called the Yard Gard? 10:14:50  A. There is a Yard Gard, there is a Quad 10:14:52  Blaster. There is a member of different sonic and 10:14:56  uitrasonic devices that they sell. 10:14:58  Q. So other thus the Transonic Pro and the 10:15:00  Yard Gard, have you been involved in the testing of 10:15:06  repellents for mice and rats? 10:15:16  A. Yes, Thave. 10:15:16  Q. That was also in the course of your work 10:15:16	5 6 7 8 9 10 11 12 23 14 15 16 17 18 19 20 21 22 23	Q. Have you ever tested its physical 10:17:04 proporties in terms of frequency or decibet leve) 10:17:10 or officer physical aspects of ultrasound? 10:17:12 A. Yeah, back in the eighties in like 10:17:36 science sound labs at UW-Milwacker I was testing 10:17:20 such things there. 90:17:24 Q. Now, there is a portion of Exhibit 1 10:17:34 titled, "Summary Comments Re the Amended Complaint 10:17:44 Document" in the case of Hurt, et al., et octera. 10:17:44 Cao you please flip to that portion of Exhibit 1? 10:17:48 It's part of your initial report. Sorry, there is 10:18:02 no numbered pages or paragraphs. It's a section of 10:18:06 your initial report. 10:18:08 A. Summary Comments Re the Amended 10:18:20 Complaint Document. 10:18:22 Q. So you've got that? 10:18:24

		_	
. 1	A. Uh-buh. 10:18:49	1	MR. OSTOJIC: Answer. 10:21:02
2	Q.—And the last sentence of this paragraph = 10.18.42	2	BY MR. KOPBL: 10:21:02
3	reads. "And both are in a non-peer-reviewed 10(18.46)	3	Q. You can answer. 10:31:04
4	publications I guess that meant to say 19:18.50	4	A. Oh, okay, I would have to say that that 10:21:04
.5	publication self-published by universities on 10:18:54	5	is the general opinion held by scientists. On a 10:21:06
6	the weh and neither contain any original test 10:18:58	. 6	paper by paper basis, you have to look at the 10:21:12
7	research on ultrasound effects on redeats." Do you 10:19:00	7	volume of data, the tests, and even a 10:21:16
8	see that? 10:19:02	8	non-peer-reviewed paper can be important if they'ye = 10:21:20
9	A. Yes. 10:39:02	9	done everything correctly. 10:21:24
10	Q. What does it mean for a publication to 1.0(19.02)	01	Q. So why did you raise the profit here that 10:21:26
11	be pear-reviewed? 10(19)06	<b>§</b> [	those studies are in non-peer-reviewed (0.21:36)
1.2	A. To be peer reviewed means that you 10:19:08	12	publications? 10(2):40
13	subjust it to a proper journal or a group for \$10:19:10	13	A. Because that means there is reason to 10:21:40
14	proceedings of a conference and that it is sent out -10:19:14	14	question that they've uctually contributed valid = 10:21:44
15	mindrer experts in the field to be looked over and 10:19:18	15	information. Ever since the Internet came aboard = 10:21:46
16	all aspects of the paper to be evaluated for 10:19:22	16	people have been publishing papers on their own 10:21:50
17	whether it warranted publication, whether the test = 10:19:24	J7	whim and potting these out there on the web. That's $\langle 10;21;58\rangle$
18	designs were adequate, whether the sample size was = 10:19:28	18	the lowest and least reliable level. If they're = 10:22:02
19	udequate, whether statistics were proper, and those 10.19:30	19	fully votted and approved by your faculty of your 10:22:06
20	poers would then solid back information to influence 10:19:34	20	department and peers, it's up at the top level. 10(32:10
21	the editor whether or not it would be published. 10:19:40	21	It is becoming far more common to 10:22:18
22	J do fast and have for 24 years for five 10:19:44	22	publish initially on the Internet just to be able 10:22;20
23	different journals including the Journal of 10:19:50	23	to get things out there and in print faster, but 10:22:26
24	-	24	
_	Page 26		Page 28
1	all the publications in North American 10:19:56	1	Q. Now, I've reviewed Exhibit 1, and would 10.22(30)
. 5	Ornithological Society, 10:20:00	2	you agree that it's your opinion that the let me 10:22;42
1	Q. So when your engaged in peer review of 10:20:00	3	rephrase. 10:22:48
4	other people's proposed publications, you're 10:20:04	4	Is it your opinion that the Bell & 10:22:50
5	reviewing them to confirm fast they use the correct   10:20:08	3	Howell ultrasonic pest repellers are effective to = 10:22:50
ь	methodology, is that correct? 10:20:10	6	repel and drive out roice and rats? 10:22:54
7	A. Absolutely. 10:20:14	7	A. Absolutely, yes. 10:22:58
8	Q.—And that the methodology they're using = 10:20:14	8	Q. Okay. 10:22:58
9	is generally accepted in the field which they're = 10(20)18	9	A. The qualification is the driving out = 10.23:02
10	publishing 50, concert? 10:20:20	10	which is something which Dr. Potter has set as his $-10(23.04$
	Part state of the		
13	A. Right, and most importantly that their 10:20:22	11	standard, and it only applied in test environments = 10:23:12
11	-	11 12	
	A. Right, and most importantly that their 10:20:22	١.,	where the mide curanot leave because they've closed = 10:23:14
12	A. Right, and most importantly that their = 10:20:22 conclusions match their data. 10:20:22	12	where the mice cumot leave because they've closed $-10(23)14^{\circ}$
12 13	A. Right, and most importantly that their 10:20:22 conclusions match their data. 10:20:22  Q. Okay. So do you believe that there is 10:20:26	12 13	where the mide cumot leave because they've closed = 10:23:14 all exits, but the repellers are effective at = 10:23:18
12 13 14	A. Right, and most importantly that their 10:20:22 conclusions match their data. 10:20:22  Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication. 10:20:38	12 13 14 15	where the mice curnot leave because they've obsect = 10:23:14 all exits, but the repellers are effective at = 10:23:18 moving the animals out of the sound range of those. = 10:23:26
12 13 14 15	A. Right, and most importantly that their 10:20:22 conclusions match their data. 10:20:22  Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication. 10:20:38 than there is to a non-peer-reviewed publication? 10:20:40	12 13 14 15	where the mide curnot leave because they've obsect = 10:23:14 all exits, but the repellers are effective at = 10:23:18 moving the animals out of the sound range of those = 10:23:26 Q. Are the repellers effective to drive = 10:23:30
12 13 14 15 16	A. Righe, and most importantly that their 10:20:22 conclusions match their data. 10:20:22 Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication. 10:20:38 than there is to a non-peer-reviewed publication? 10:20:40 MR. OSTOJIC: Object to form, foundation, but 10:20:44	12 13 14 15 16	where the mide cumot leave because they've closed = 10:23:14 all exits, but the repellers are effective at = 10:23:18 moving the animals out of the sound range of those = 10:23:26 Q. Are the repellers effective to drive = 10:23:30 mide and rats out of a house? = 10:23:34 MR. OSTODIC: Object to form, foundation, but = 10:23:38
12 13 14 15 16 17	A. Righe, and most importantly that fine: 10:20:22 conclusions match their data. 10:20:22 Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication: 10:20:38 than there is to a non-peer-reviewed publication: 10:20:40 MR. OSTOJIC: Object to form, foundation, but 10:20:44 go ahead and answer. 10:20:46	12 13 14 15 16	where the mide cumot leave because they've closed = 10:23:14 all exits, but the repellers are effective at = 10:23:18 moving the antinals out of the sound range of those = 10:23:26 Q. Are the repellers effective to drive = 10:23:30 mide and rats out of a house? = 10:23:34 MR. OSTODIC: Object to form, foundation, but = 10:23:38
12 13 14 15 16 17	A. Right, and most importantly that their 10:20:22 conclusions match their data. 10:20:22  Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication. 10:20:38 than there is to a non-peer-reviewed publication? 10:20:40 MR. OSTOJIC: Object to form, foundation, but 10:20:44 go ahead and answer. 10:20:46  BY MR. KOPFU: 10:20:46	12 13 14 15 16 17 18	where the mide curnot leave because they've obsect 10:23:14 all exits, but the repellers are effective at 10:23:18 moving the animals out of the sound range of those. 10:23:26 Q. Are the repellers effective to drive 10:23:30 mide and rats out of a house? 10:23:34 MR. OSTOJIC: Object to form, foundation, but 10:23:38 go akead. 10:23:40
12 13 14 15 16 17 18 19	A. Right, and most importantly that their 10:20:22 conclusions match their data. 10:20:22 Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication. 10:20:38 than there is to a non-peer-reviewed publication? 10:20:40 MR. OSTOJIC: Object to form, foundation, but 10:20:44 ge ahead and answer. 10:20:46 BY MR. KOPNL: 10.20:46 Q. You know what, actually let me rephrase 10:20:46	12 13 14 15 16 17 18	where the mide dumot leave because they've obsect 10:23:14 all exits, but the repellers are effective at 10:23:18 moving the animals out of the sound range of those. 10:23:26 Q. Are the repellers effective to drive 10:23:30 mide and rats out of a horse? 10:23:34 MR. OSTOJIC: Object to form, foundation, but 10:23:38 go alread. 10:23:40 BY THE WIFNESS: 10:23:42
12 13 14 15 16 17 18 19 20	A. Righe, and most importantly that frice 10:20:22 conclusions match their data. 10:20:22 Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication: 10:20:38 than there is to a non-peer-reviewed publication? 10:20:40 MR. OSTOJIC: Object to form, foundation, but 10:20:44 go ahead and answer. 10:20:46 BY MR. KOPFU: 10:20:46 Q. You know what, actually let me replace 10:20:46 Jr. Do you believe that the data produced from a 10:20:48	12 13 14 15 16 17 18 19 20	where the mide curanot leave because they/ve closed 10:23:14 all exits, but the repellers are effective at 10:23:18 moving the animals out of the sound range of those, 10:23:26 Q. Are the repellers effective to drive 10:23:30 mide and rats out of a house? 10:23:34 MR. OSTOTIC: Object to form, foundation, but 10:23:38 go alread. 10:23:40 BY THE WEENESS: 10:23:42 A. That's not what they've ever claimed 10:23:42
12 13 14 15 16 17 18 19 20 21	A. Righe, and most importantly that fine: 10:20:22 conclusions match their data. 10:20:22 Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication: 10:20:38 than there is to a non-peer-reviewed publication? 10:20:40 MR. OSTOJIC: Object to form, foundation, but 10:20:44 go ahead and answer. 10:20:46 BY MR. KOPRU: 10:20:46 Q. You know what, actually let me rephrase 10:20:46 Jr. Do you helieve that the data produced from a 10:20:48 peer-reviewed publication is more reliable than the 10:20:52	12 13 14 15 16 17 18 19 20 21	where the mide curnot leave because they've closed = 10:23:14 all exits, but the repellers are effective at = 10:23:18 moving the antinals out of the sound range of those = 10:23:26 Q. Are the repellers effective to drive = 10:23:30 mide and rats out of a house? = 10:23:34 MR. OSTODIC: Object to form, foundation, but = 10:23:38 go ahead. = 10:23:40 BY THE WEINESS: = 10:23:42 A. That's not what they've ever claimed = 10:23:42 they can do. = 10:23:44
12 13 14 15 16 17 18 19 20 21 22	A. Right, and most importantly that their 10:20:22  conclusions match their data. 10:20:22  Q. Okay. So do you believe that there is 10:20:26 greater validity to a peer-reviewed publication. 10:20:38 than there is to a non-peer-reviewed publication? 10:20:40  MR. OSTOJIC: Object to form, foundation, but 10:20:44 go thend and answer. 10:20:46  BY MR. KOPRU: 10:20:46  Q. You know what, actually let me rephrase 10:20:46  Jr. Do you helieve that the data produced from a 10:20:48 peer-reviewed publication is more reliable than the 10:20:52 data produced from a non-peer-reviewed publication? 10:20:54	12 13 14 15 16 17 18 19 20 21 22 23 24	where the mide curnot leave because they've closed 10:23:14 all exits, but the repellers are effective at 10:23:18 moving the animals out of the sound range of those 10:23:26 Q. Are the repellers effective to drive 10:23:30 mide and rats out of a house? 10:23:34 MR. OSTOJIC: Object to form, foundation, but 10:23:38 go ahead. 10:23:40 BY THE WIFNESS: 10:23:42 A. That's not what they've ever claimed 10:23:42 they can do. 10:23:44 BY MR. KOPEL: 10:23:44

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1	of the range of the frequency or behind walls and = 10:23:50	1	the cauch is right down there, but most couches are 10:26:12
2	mader floors where the sound can't reach them or in 10:23:54	2	six inches off the floor from the bottoms of the $-10026$ J4
1	his own tests under a cardboard box which stops the 10:24:00	3	sears; and, yeah, they'll get behind it because 10(26;18
4	sound. 10 24.03	4	mice tend to work right along the baseboards. The 10:26:20
5	There are limitations, and those are 10(24:04)	5	moin thing is as long as you can keep them out of 10:26:26
6	ucknowledged on the packaging of the B & H 10:24:06	6	areas where there is any food or water, there is no 10:26:28
7	expellers. He set un impossible standard when he = 10:24:10	7	real attraction for the mice. They need those 10:26:34
8	says he wants them driven out of the house. If 10:24:22	ĸ	things to survive. 10:26:42
9	you've closed the place completely as they thought = 10:24:24	9	Q.—So in reviewing Exhibits 1 and $2_{\rm c}$ and $= 20:27:02$
10	they find done in Modesto, they can't leave, so how = 10:24:26	10	I'm referring specifically to studies fast you are 10:27:10
ш	can they be driven out if you close the door? 10:24:30	11	relying on in your opinson that the Bell & Howell (0:27:14
12	Q. Okay, and Jappropiate your criticism 10:24:32	12	repellers are effective against rats and mice, 1 = 10:27:18
13	towards the study, and my questions are actually $\sim 50.24;\!34$	13	saw that you are relying on tests conducted in 10:27:24
14	geared not towards the studies performed but what = 10.24(36)	1,4	Clima in 2011 and 2014? 10:27:28
15	the capabilities are in the real world. 30:24:40	15	A. Yes, 10:27:32
16	A. The capabilities that I've seen are they 10:24:44	16	Q. I saw that you included two of your own 10:27:32
17	can keep mice from emering your house, they can $\sim 10;\!24;\!46$	17	studies regarding the Transonic Pro? 10:27:36
18	get mice that are there to leave if they're used 10:24:50	18	A. Correct. 10:27:38
19	correctly, adequate numbers in the right places. 10:24:54	19	Q. Any other studies that you're celying 10 27;38
20	Q. They can get them to leave certain 10:24:58	20	on? 50:27:42
21	areas, but they can't get them to leave the entire: 10(25:00	21	A. Not that I have direct information on. \$\(\) (0:27:44
22	house, is that correct? 10(25:02	22	I know that the units like shese had been approved = 10:27:50
23	MR, OS FOJIC: Object to form as to house, but 10:25.02	23	for use in Carenda on the basis of very rough field 10:27:56
24	go ahead. 10:25:04	24	testing requirements, and they are sold there. 10:28:00
	Page 30	$oxed{oxed}$	Page 32
1	BY THE WITNESS: J0:25:08		The Land Life of the Life of the Control of
	** · · · · · · · · · · · · · · · · · ·	1 1	There has to be publications on that, and Diano 10:28.04
2	A. Well, Linaven't taken down my house to 10.25;08	2	There has to be publications on that, and Diane 10:28:04 Federstein indicated that they had done previous 10:28:10
1		2 3	Federstein indicated that they had done previous 10:28:10
2	A. Well, Linaven't taken down my house in 10.25:08	2.	Feneratein indicated that they had done previous 10:28:10 tests for other transferences, purveyors of 10:28:12
3	A. Well, I haven't taken down my house to 10.25;08 find out if there are any hiding in the walls 10:25:10	2	Fenerstein indicated that they had done previous 10:28:10 tests for office transformers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18
2 3 4	A. Well, I haven't taken down my house in 10.25:08  find out if there are any hiding in the walls 10:25:10  anywhere; but when you don't see any of them in the 10:25:12	2. 3 4	Fenerstein indicated that they had done previous 10:28:10 tests for office transformers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18
2 3 4 5	A. Well, I haven't taken down my house in 10.25:08  find out if there are any hiding in the walls 10:25:10  anywhere; but when you don't see any of them in the 10:25:12  house for year on end and you don't find any 10:25:14	2. 3. 4. 5.	Federatein indicated that they had done previous 10:28:10 tests for other transfacturers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18 but in published form, nor occassarily, 10:28:22 Q. And the tests that Ms. Federatein ran on 10:28:26
2 3 4 5 6 7	A. Well, I haven't taken down my house to 10.25:08 find out if there are any hiding in the walls 10:25:10 anywhere; but when you don't see any of them in the 10:25:12 house for year on end and you don't find any 10:25:14 droppings on the counters or no the floors and 10:25:18	2 3 4 5 6	Federatein indicated that they had done provious 10:28:10 tests for other transformers, purveyors of 10:28:12 altrasound units, and so those tests are out there, 10:28:18 but in published form, not transactive 10:28:22
2 3 4 5 6 7 8	A. Well, I haven't taken down my house to 10.25:08  find out if there are any hiding in the walls 10:25:10  anywhere; but when you don't see any of them in the 10:25:12  house for year on end and you don't tind any 10:25:14  droppings on the counters or no the floors and 10:25:18  there are no hells chewed and no pillows chewed, 10:25:20	3 4 5 6 7	Federstein indicated that they had done previous 10:28:10 tests for other traoufacturers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18 but in published form, nor tracessarily, 10:28:22 Q. And the tests that Ms. Federstein ran on 10:28:26 the devices from other manufacturers, do you think 10:28:32
2 3 4 5 6 7 8 9	A. Well, I haven't taken down my house in 10.25:08  find out if there are any hiding in the walls 10:25:10  anywhere; but when you don't see any of them in the 10:25:12  house for year on end and you don't find any 10:25:14  droppings on the counters or no the floors and 10:25:18  there are no beds chewed and no pillows chewed, 10:25:20  there are probably no mice in your knose, no food 10:25:24	2 3 4 5 6 7 8	Federstein indicated that they had done previous 10:28:10 tests for other transificationers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18 but in published form, nor occessarily, 10:28:22 Q. And the tests that Ms. Federstein ran on 10:28:26 the devices from other manufacturors, do you (book 10:28:32 floose can support your conclusion? 50:28:36 A. Those were the devices were 10:28:38
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2 3 4 5 6 7 8 9 10 11 12	A. Well, I haven't taken down my house in 10.25:08  find out if there are any hiding in the walls 10:25:10  any where; but when you don't see any of them in the 10:25:12  house for year on end and you don't find any 10:25:14  droppings on the counters or no the floors and 10:25:18  there are no beds chewed and no pillows chewed, 10:25:20  there are probably no mice in your knose, no food 10:25:24  is damaged, factor is nothing into evidence to 10:25:26  indicate they're there. I'd say that repelled (0:25:30)  them. (0:25:32)	3 4 5 6 7 8 9 9 9 10 31 12 2	Federstein indicated that they had done previous 10:28:10 tests for other translated response of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18 but in published form, nor translated, 10:28:22 Q. And the tests that Ms. Federstein ran on 10:28:26 the devices from other manufactures, do you think 10:28:32 those can support your conclusion? 10:28:36 A. Those were the devices were 10:28:38 essentially the same. The only thing that she did 10:28:42 was she transferenced or tested and designed them, 10:28:44
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Well, I haven't taken down my house to 10.25:08  find out if there are any hiding in the walls 10:25:10  anywhere; but when you don't see any of them in the 10:25:12  house for year on end and you don't tind any 10:25:14  droppings on the counters or no the floors and 10:25:18  there are no hells chewed and no pillows chewed, 10:25:20  there are probably no mice in your barse, no food 10:25:24  is damaged, face is nothing - no evidence to 10:25:26  indicate they're there. I'd say that repelled (0:25:30)  them. (0:25:32  Q. And you're talking about the Transonic 10:25:34  Pro right now, correct? 10:25:36  A. Yes. 10:25:36  Q. World you agree that in leauses mice can 10:25:38	20 3 4 4 5 6 6 7 8 9 9 9 9 10 12 13 14 15 15 15 16 16 16 16 16 16 16 16 16 16 16 16 16	Federstein indicated that they had done previous 10:28:10 tests for other translationers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18 but in published form, nor transsarily, 10:28:22 Q. And the tests that Ms. Federstein ration 10:28:26 the devices from other translationers, do you think 10:28:32 those can support your cerebusion? 10:28:36 A. Those were the devices were 10:28:38 essentially the same. The only thing that she did 10:28:42 they were sold in different coacheters, but they 10:28:48 were the same products with the exception that they 10:28:52 raised the amplitude of the sound decibel level of 10:28:54 it for the ones that are used by Bell & Howell, 10:28:58 brought it up another 20 decibels, so they are the 10:29:02
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Well, I haven't taken down my house to 10.25:08  find out if there are any hiding in the walls 10:25:10  anywhere; but when you don't see any of them in the 10:25:12  house for year on end and you don't find any 10:25:14  droppings on the counters or no the floors and 10:25:18  there are no beds chewed and no pillows chewed, 10:25:20  there are probably no mice in your bease, no food 10:25:24  is damaged, facro is nothing into enideace to 10:25:26  indicate they're there. I'd say that repelled 10:25:30  them: (0:25:32  Q. And you're taking about the Transonic 10:25:34  Pro right now, correct? 10:25:36  A. Yes. 10:25:36  Q. World you agree that in houses mice can 10:25:48  typically uses belief walls or underneath floors? 10:25:46  A. Ahsolutely. 10:25:50  Q. How shout behind a refrigerator? 10:25:54  Q. How shout behind a couch? 10:25:54	20 34 45 66 77 89 90 91 122 23 14 15 16 17 18 19 20	Federstein indicated that they had done previous 10:28:10 tests for other translationers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18 but in published form, nor transsarily, 10:28:22 Q. And the tests that Ms. Federstein ration 10:28:26 the devices from other manufacturors, do you think 10:28:32 those can support your cerebusion? 10:28:36 A. Those were the devices were 10:28:38 essentially the same. The only thing that she did 10:28:42 was she transfactured or tested and designed them, 10:28:44 they were sold in different marketers, but they 10:28:48 were the same products with the exception that they 10:28:52 raised the amplitude of the sound decibel level of 10:28:54 it for the ones that are used by Boll & Howell, 10:28:58 brought it up another 20 decibels, so they are the 10:29:02 ones that are used by Bell & Howell in her rests. 10:29:10 Q. But you've not seen those tests, 10:29:14 conteet? 10:29:16 A. The seen the design of them, The seen 10:29:16
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Well, I haven't taken down my house to 10.25:08 find out if there are any hiding in the walls 10:25:10 anywhere; but when you don't see any of them in the 10:25:12 house for year on end and you don't find any 10:25:14 droppings on the counters or no the floors and 10:25:18 there are no heds chewed and no pillows chewed, 10:25:20 there are probably no mice in your barse, no food 10:25:24 is damaged, facto is nothing into evidence to 10:25:26 indicate they're there. I'd say that repelled 10:25:30 them. 10:25:32 Q. And you're talking about the Transorie 10:25:34 Pro right now, correct? 10:25:36 A. Yes. 10:25:36 Q. World you agree that in houses mice can 10:25:38 typically use belond walls or underneath floors? 10:25:46 A. Ahsolutely. 10:25:50 Q. How shout behind a refrigerator? 10:25:54 A. Ahsolutely. 10:25:54 Q. How shout behind a couch? 10:25:54 A. Yep, or in it. 10:25:56 Q. Could the ultrasonic sound waves reach 10:25:58	22 3 4 4 5 6 6 7 7 8 9 9 9 10 12 23 14 15 16 17 18 19 20 21 22 23	Federstein indicated that they had done previous 10:28:10 tests for other translationers, purveyors of 10:28:12 ultrasound units, and so those tests are out there, 10:28:18 but in published form, nor translationers, in 10:28:22 Q. And the tests that Ms. Federstein ran on 10:28:26 the devices from other manufacturers, do you think 10:28:32 those can support your conclusion? 10:28:36 A. Those were the devices were 10:28:38 essentially the same. The only thing that she did 10:28:42 was she manufactured or tested and designed them, 10:28:44 tacy were sold in different marketers, but they 10:28:48 were the same products with the exception that they 10:28:52 raised the amplitude of the sound decibel level of 10:28:54 it for the ones that are used by Bell & Howell, 10:28:58 brought it up another 20 decibels, so they are the 10:29:02 ones that are used by Bell & Howell in her rests. 10:29:10 Q. But you've not seen those tests, 10:29:14 concer? 10:29:16 A. I've seen the design of them, I've seen 10:29:16 the results of them. 10:29:20 Q. Which tests? 10:29:20
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1	Q. intelliter. 10:29:32	1	Q. Do you see here right after the title at 10:30:10
2	A. intellitec. 10(29:34	2	the hottom of the page, the last senteace, it says, 10:32:14
3	MR. OSTOJIC: No. Intertek. 10(29)34	3	"Bur in this day of fake news, we should also 10:32:16
4	BY THE WITNESS: 10:29:36	4	recognize that there are also dezens of studies 10:32:20
5	A. Intertek, excuse me. 10:29:36	5	that show I think that should say that 10:32:22
6	MR. OSTOJIC: SGS? 50:29:38	6	ultrusound can and does work when used correctly 10:32:26
7	THE WITNESS: Yeah, and SGS. 10:29:40	7	within the limits of its sound intensity and 10:32:28
8	BY MR. KOPEL: 10:29:40	8	hearing frequency range of pests (argeted," do you = 10:32:32
9	Q. Okny. Are those listed in your report? 10:29:40	9	see that? J0:32:34
10	A. Yes. \$0.29;42	50	A. 1 do. 10:32;36
13	Q. Are you reformig to the 2011 and 2014 10(29)42	51	Q. Can you please list the dozens of 10.32;56
: 12	regrs? 10:29:46	12	studies you're referring to? 10:32:42
13	A. Yes. 10:29:46	13	A. At the level of peer-reviewed things and 10:32:46
14	Q. Oksy. Any other tests? Were you 10:29:48	14	officially recognized, no. they're not there. They 10:32:50
35	referring to tests other than those just now? 10:29:50	15	
16	A. No. 19:29:52		provided from all the different people who are 10:32:56
17	Q. Okay. But you've not seen the tests 10:29:52	 : 17	
18	that she ran on the devices of other manufacturers. 10:30:00	JR	
19	right? 10:30:02	19	They're out there, but they're not valid, but 10(33:12
20	A. No, I've not, 10:30:04	20	
21	Q. How are you aware of the Canadian 10:30:04	21	used in his references. 10:33:18
22	approval of these devices? 10:30:08	22	MR, OSTOJIC: Potter. 10:33:20
23	A. By talking to Dr. Lue Duchesue of 10:30:08	22	BY THE WITNESS: 10:33:20
1	Torento no, not Torento Quebec. 10:30:24	24	
-	Page 34	-	Page 36
Г	Q. Did you review any documents in 10:30:30	1	references used very small scale tests. They're 10:33:26
	econoccrion with reaching your conclusion that those 10:30:36	2	
3	devices were approved for use in Canada? 20:30:38	3	
: 4	A. He is the person who got them through 10:30:42	4	to get a small and questionable sample published.   10:33:38
5	the Cunucian process of approval, and so he told me 10:30:44	Ι,	BY MR. KOPEL: 10:33:44
6	the manner in which it was done. 10:30:50	6	
7	Q. Okay. So it was done si I'm sony to 10:30:50	-	of crincisms towards Dr. Potter, and we'll get to 10:33:44
8	interrupt you. I think I'm about to ask the 10:30:54	ı	rhat. 10:33.48
9	question you're about to say. So be communicated 10:30:56	,	
	this to you oraily, but you didn't review any 19:30:58	10	
11		11	
12	A. Correct 10:31:02	12	•
13	Q. Okay. Have you seen any peer-reviewed 10:31:02	13	
:	studies showing that ultrusonic devices are 10:31:08	14	
15		: 15	
16	A. Well, two halves to that comment; uo, I = 10.31/02	: '* 16	
17		17	· ·
18		18	•
19		19	
	does the test correctly. 10:31:38	20	
21	Q. Can you please look back at the section 10:31:50	21	
22	we were looking at, Excibit 1, summary comments 10:32:00	22	
23		23	
24			insects, layer you reviewed any pero-neviewed 10:34:24
1-	Page 35		Page 37
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1 1	studies showing that obtrasonic technology is 10(34:26	í	A. I'm and difficizing the test, 10:37:06
2	effective to repail or drive out insects? 10:34:32	2	Q. Let me just finish my question, please. 10:37:08
3	A. Not to the hest of my knowledge, nothing 10.34:40	3	A. Sure. 10(37)10
4	I can pull off the top of my head. 10:34:42	4	Q. At a fundamental level, I just want to 10(37:10)
5	Q. Now, in this section I think you talk a 10:34:48	5	discuss the concept of habituation, and we can get = 10:37:14
6	lot about mice adapting to tolerate ultrasonic 10:34:56	6	to final later, okay. The concept of nabituation, 10:37:16
1 7	snund. Do you see trad? 10:35:06	٠	goes if mean that mice and rats will become used to 10:37:18
8	And just to focus you, there are some 10:35:08	8	altrasound and that ultrasound will fail to repel = 10:37:22
9	bold portions at the next page; "In my research 10:35:12	9	or drive them out? Is that what habitaation means? 10:37:24
10	eyes the coverse of a full year of constant exposure 10:35:16	10	MR. OSTOJIC: Object to form and foundation, 10:37:26
lш	to the sented of Transonic Pro, facre is no sign fac. 10:35:18	11	hur go ahead. 10:37:28
12	mice adapted to tolerate the sounds," do you see 10:35:24		BY MR. KOPEL: 10:37:28
13	that? 10:35:24	13	O. Go shead 10:37:30
14	A. Yes. 10:35:24	14	A. Okey. In the case of any animal, if 10.37:30
15	Q. And then the next bold passage below. 10:35:24	15	they have not habituated to a stimulus, a Scroign 10:37:36
16	you know, only a single line or two about mice and 10:35:28	16	stimulus which is distressful, it keeps their 10:37:40
17	rats quickly fearing to ignore the sound, do you 10:35:32	:7	tochbolism high, it causes stress disease and 10:37:46
18	see that? 10/35/34	: 38	eyenthally death, an you have two choices. You can 10:37:48
19		:	
20	A. 1 do. 10:35:34  O. Okay, is that concept called 10:35:34	20	continue to respond to that stimulus, or year care 10:37:50
	•	:	adapt to tolerating it when you realize that it is 10:37:58
21		21	not actually harming you, but that's as long as 10;38:00
22	A. It is, and I went on and gave several 10:35:38	22	you have a means to get away from it, that's the 10:38:06
23	references for what habituation is and where it 10:35:40	23	first option you'd use. 10:38:08
24	occurs in the second document in response to his 10:35:42 Page 38	24	Q. Okay, And. Dr. Whitford, I know you're 10:38:10 Page 40
1	claiming that I completely ignored it. \$0.35:46	1	doing your best to respond to the question and 10:38.14
2	Habituation is an important part of any 10:35:50	2	you're explaining how habitaution works, but 1 10(38:16
3	animal. If you cun't escupe from a highly 10:35:54	ا (	just I want to fecus on what habitazura is. 10:38:20
1	intrusive and/er painful sound, the best you can do 10:35:58	4	
4		Ι.	Can you please explain what habituation is, just 10:38:24
4	intrusive and/or painful sound, the best you can do   10:35:58	4	Con you please explain what habituation is, just 10:38:24
4 5 6	intrusive and/or painful sound, the best you can do 10:35:58 is find a way to habituate. Now, there is two ways 10:36:02	4 5 6	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26
4 5 6	intrusive and/or painful sound, the best you can do = 10:35:58 is find a way to habituate. Now, there is two ways = 10:36:02 to do that. Neurologically in most cases the = = 10:36:06	4 5 6	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26  A. It's acrually defined right on the page 10:38:30 in there in the second one as when subjected to 10:38:34
4 5 6 7 8	intrusive and/or painful sound, the best you can do 10:35:58 is find a way to habituate. Now, there is two ways 10:36:02 to do that. Neurologically in most cases the 10:36:06 neorotranstraires too out in your corves after 10:36:10	4 5 6 7	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26 A. It's acroally defined right on the page 10:38:30 in there in the second one as when subjected to 10:38:34 continued sressor or sound, reaching a point where 10:38:40
4 5 6 7 8	intrusive and/or painful sound, the best you can do 10:35:58 is find a way to habituate. Now, there is two ways 10:36:02 to do that. Neurologically in most cases the 10:36:06 neorotranstrition out in your carves after 10:36:10 prolonged exposure to the same sensations. That's 10:36:14	4 5 6 7 8	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26 A. It's acroally defined right on the page 10:38:30 in there in the second one as when subjected to 10:38:34 continued successor or sound, reaching a point where 10:38:40
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4 5 6 7 8 9 10	intrusive and/or painful sound, the best you can do 10:35:58 is find a way to habituate. Now, there is two ways 10:36:02 to do that. Neurologically in most cases the 10:36:06 becomb autointies nor out in your nerves after 10:36:10 prolonged exposure to the same sensations. That's 10:36:14 wky you're not aware of every twitch of every hair 10:36:16 on your face. You're used to having that feedback, 10:36:20	4 5 6 7 8 9	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26 A. It's acrually defined right on the page 10:38:30 in there in the second one as when subjected to 10:38:34 continued snessor or sound, reaching a point where 10:38:40 you no longer respond by attempting to avoid it 10:38:48 hecause you can't. 10:38:52
4 5 6 7 8 9 10	intrusive and/or painful sound, the best you can do 10:35:58 is find a way to habituate. Now, there is two ways 10:36:02 to do that. Neurologically in most cases the 10:36:06 neorotranstotices to north ryour carves after 10:36:10 prolonged exposure to the same sensations. That's 10:36:14 why you're not aware of every twitch of every hair 10:36:16 on your face. You're used to having that feedback, 10:36:20 it's damped out, it's sorted out, and it's kept so 10:36:24 you can keep aware of new information, new stimuli. 10:36:28	4 5 6 7 8 9 10	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26  A. It's acroally defined right on the page 10:38:30 in there in the account one as when subjected to 10:38:34 continued stressor or sound, reaching a point where 10:38:40 you no longer respond by attempting to avoid it 10:38:48 herause you can't. 10:38:52  Q. Okay. And in the peer-reviewed studies 10:38:52 you've reviewed concerning ultrusound, you've seen 10:38:58
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4 5 6 7 8 9 10 11 12 13 14 15	intrusive and/or painful sound, the best you can do 10:35:58 is find a way to habituate. Now, there is two ways 10:36:02 to do that. Neurologically in most cases the 10:36:06 neorotranstriers the out in your carves after 10:36:10 prolonged exposure to the same sensations. That's 10:36:14 why you're not aware of every twitch of every hair 10:36:16 on your face. You're used to having that feedback, 10:36:20 it's damped out, it's sorted out, and it's kept so 10:36:24 you can keep aware of new information, new stimuli. 10:36:38 Q. Now, the concept of habituation, does 10:36:32 that mean that mice and rats analyse initially 10:36:36 after regular exposure to ultrasound will learn to 10:36:46	4 5 6 7 8 9 10 11 12 13 14	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26  A. It's acrually defined right on the page 10:38:30 in there in the second one as when subjected to 10:38:34 continued subserver or sound, reaching a point where 10:38:40 you no longer respond by attempting to avoid it 10:38:48 hereuse you can't. 10:38:52  Q. Okay. And in the peer-reviewed studies 10:38:52 you've reviewed concerning ultrusound, you've seen 10:38:58 that habituation has occurred with regards to the 10:39:06 MR. OSTORIC: Object to form and foundation. 10:39:08
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4 4 5 6 7 8 9 100 111 12 12 14 15 16 17 18	intrusive and/or painful sound, the best you can do 10:35:58 is find a way to habituate. Now, there is two ways 10:36:02 to do that. Neurologically in most cases the 10:36:06 neorotranstotices now out in your nerves after 10:36:10 prolonged exposure to the same sensations. That's 10:36:14 why you're not aware of every twitch of every hair 10:36:14 on your face. You're used to having that feedback, 10:36:20 it's damped out, it's sorted out, and it's kept so 10:36:24 you can keep aware of new information, new stimuli. 10:36:28 Q. Now, the concept of habituation, does 10:36:32 that mean that mice and rats maybe initially 10:36:36 after regular exposure to ultrasound will learn to 10:36:46 ignore the sound and not be repelled by it? 10:36:50 MR. OSTOJIC: Object to form, foundation. 10:36:52 BY MR. KOPBL: 10:36:52	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Can you please explain what habituation is, just 10:38:24 the concept of what is habituation? 10:38:26  A. It's acrually defined right on the page 10:38:30 in there in the second one as when subjected to 10:38:34 continued successor or sound, reaching a point where 10:38:40 you no longer respond by attempting to avoid it 10:38:48 herause you can't. 10:38:52  Q. Okay. And in the peer-reviewed soudies 10:38:52 you've reviewed concerning ultrusound, you've seen 10:38:58 that habituation has occurred with regards to the 10:39:02 rojee and rats to those tests, concert 10:39:06  MR. OSTOJIC: Object to form and foundation. 10:39:08 BY MR. KOPEL: 10:39:08 Q. You may answer. 10:39:14
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- 1			
1	A. No in general, the other tests. 10:39:28		Q. So does some sound operate on a 10:42:50
. 2	MR. OSTOJIC: Okay. 10/39/30	. 2	different frequency than ultrasonic sound, is that 10:42:54
3	BY MR. KOPFJ.; 10;39;42	3	
4	Q. What steps need to be taken in order to 10:39:40.	. 4	A. It's a continuum of wavelength from 10:42:58
<sub>1</sub> 5	prevent habituation from occurring when using 10:39:54	5	beginning to end, but it's the point we've 10:43:02
6	ultrasound? 10:39:58	6	
7	A. You need to have a means for the animal 10:40:02	1 7	not sonic, and that's literally what defines it (0:43) (10
8	in get away from the source of the sound 10:40:04	8	
l ŋ	permanently. If they can't hear it, you know, then 10:40:08	9	•
1	it's nor distressing their system. 10:40-38	10	
111	Q. Pd like to please talk to you abour 10:40 28	:	hearing range 10:43:26
12	your Bird-X studies. Now, you we attached two 10:40:32	12	Q. Forgive my ignorance. So are certain. 10:43:28
13		13	
54		14	,
115		15	
16	<u>-</u>	16	
17	4, 5 100, 1 100, 110, 100, 100, 100, 100,	17	
18		18	Q. Got ii. Thank you. I think this is 10:43:46 What you were saying before, concer me if Pm 10:43:52
19	•	:	
20	·	: 19	
21	drive out mice and rats? 10:41:08	20	, 0
22		21	Pro on hats was insufficient to support your 10:44:06
23	A. I'd have to say that ou reviewing it, 10:41:34  The Transome Pros used for the bats were set on z 10:41:18	22	conclusion let me just finish regarding time 10:44:12
		23	Bell & Howell devices because it included sonie 10:44:14
24	Loodness setting of 2 which means they were also 10:41:24 Page 42	24	sound in uddition to ultrasquic sound, is that 10.44(16
·			Puge 44
1	producing some sonic frequencies, and I hadn't 19:41:28	1	14111114
2	known that until I woot back and reviewed the 10.41:30	2	MR. OSTOJIC: Object to form. Go shead, 10:44:20
3	literature on those devices. In the mouse tests, 10:41.32	3	BY THE WITNESS: 10:44,22
1	they were aiways set on 1 which by definition used 10.41.36	. 4	A. At least part of the rests were done 10,44(22)
!	only sounds above 20,000 cycles per second or 20 10:41.40	5	using the number 2 setting, and I'd have to go back   10,44;24
	kilohertz. 10;41;46	6	to my original notes and find out what was done on 10:44:30
7	Q. And the Bell & Howell repolicis, they 10:41:46	7	the number I setting, the ultresound versus the 10:44:32
8	don't use somic sound, is that correct? (0.41;52)	8	sonic. They were large buildings, of course; but, 10:44:38
9	A. They do not, only seemds from 20,000 rg = 10:41:56		yeah, in this case, Td have to go back and hunt 10:44:44
10	45,000 cycles per second. 10:42:02	10	that information up, so it's less relevant to the $-10$ :44:48
11	Q. So can you activity please explain what 10:42:04	21	study. 10:44:52
12	the difference is in the simplest terms you can 10:42:06	12	Q. What about the fact that that test was = 10/14/54
13	between senic sound and altrasonic sound? 10:42:08	13	conducted on bats rather thos rodents, would that 10:44:54
		1	have been an issue? 10:45:(X)
14	A. We use an arbitrary defineation point 10:42:12	14	
14 15	A. We use an arbitrary defineation point 10:42:12 hased on hamon hearing. If it's above the Jevel we 10:42:14	15	A. We're looking for any sign that 10:45:06
	•	15	
15	hased on hamon hearing. If it's above the level we 10:42:14	15 16	A. We're looking for any sign than 10:45:06
15	hased on hamon hearing. If it's above the Jevel we 10:42:14 can hear, it's considered ultrasound. So we use 10:42:18	15 16	A. We're looking for any sign that 10:45:06 ultrasound works against anything basically. 10:45:08
15 16 17	hased on hamon hearing. If it's above the Jevel we 10:42:14 can hear, it's considered ultrasound. So we use 10:42:18 that baseline of 20,000 to 21,000 cycles per second 10:42:22	15 16 17	A. We're looking for any sign that 10:45:06 ultrasound works against anything basically. 10:45:08 They've said that it has no efficacy in any case. 10:45:12
15 16 17 18	hased on hamon hearing. If it's showe the Jevel, we = 10:42:14 can hear, it's considered ultrasound. So we use = 10:42:18 that baseline of 20,000 to 21,000 cycles per second = 10:42:22 wavelength, manifer of waves per second passing = 10:42:26	15 16 17 18	A. We're looking for any sign that 10:45:06 ultrasound works against anything basically. 10:45:08 They've said 0:at it has no efficacy in any case. 10:45:12 Q. So is it your opinion that tests showing 10:45:16
15 16 17 18 19	hased on hamon hearing. If it's above the Jevel, we = 10:42:14 can hear, it's considered ultrasound. So we use = 10:42:18 that baseline of 20,000 to 21,000 cycles per second = 10:42:22 wavelength, mimber of waves per second passing = 10:42:26 point us the distinction. = 10:42:30	15 16 17 18 19	A. We're looking for any sign that 10:45:06  ultrasound works against anything basically. 10:45:08  They've said that it has no efficacy in any case. 10:45:12  Q. So is it your opinion that tests showing 10:45:16  that ultrasound is effective or ineffective as to 10:45:24 one species can support a conclusion of 10:45:26
15 16 17 18 19 20	hased on hamon hearing. If it's above the Jevel we 10:42:14 can hear, it's considered ultrasound. So we use 10:42:18 that baseline of 20,000 to 21,000 cycles per second 10:42:22 wavelength, miniber of waves per second passing 10:42:26 point us the distinction. 10:42:30  At the bottom end of the sound 10:42:34	15 16 17 18 19 20 21	A. We're looking for any sign that 10:45:06 ultrasound works against anything basically. 10:45:08 They've said that it has no efficacy in any case. 10:45:12 Q. So is it your opinion that tests showing 10:45:16 that ultrasound is effective or ineffective as to 10:43:24 one species can support a conclusion of 10:45:26 effectiveness or ineffectiveness as to another 10:45:30
15 16 17 18 19 20 21	hased on hamon hearing. If it's above the Jevel we 10:42:14 can hear, it's considered ultrasound. So we use 10:42:18 that baseline of 20,000 to 21,000 cycles per second 10:42:22 wavelength, manber of waves per second passing 10:42:26 point as the distinction. 10:42:30  At the bottom end of the sound 10:42:34 frequencies, we have infrasound which is below 8 (0:42:36)	15 16 17 18 19 20 21	A. We're looking for any sign that 10:45:06 ultrasound works against anything basically. 10:45:08 They've said that it has no efficacy in any case. 10:45:12 Q. So is it your opinion that tests showing 10:45:16 that ultrusound is effective or ineffective as to 10:45:24 one species can support a conclusion of 10:45:26 effectiveness or ineffectiveness as to another 10:45:30 species, is that correct? 10:45:32
15 16 17 18 19 20 21 22	hased on hamon hearing. If it's above the Jevel we 10:42:14 can hear, it's considered ultrasound. So we use 10:42:18 that baseline of 20,000 to 21,000 cycles per second 10:42:22 wavelength, manber of waves per second passing 10:42:26 point as the distinction. 10:42:30  At the bottom end of the sound 10:42:34 frequencies, we have infrasound which is below 8 (0:42:36 cycles per second, samething dephasis communicate 10:42:40	15 16 17 18 19 20 21 22 23	A. We're looking for any sign that 10:45:06 ultrasound works against anything basically. 10:45:08 They've said that it has no efficacy in any case. 10:45:12 Q. So is it your opinion that tests showing 10:45:16 that ultrasound is effective or ineffective as to 10:43:24 one species can support a conclusion of 10:45:26 effectiveness or ineffectiveness as to another 10:45:30

1	Q. Actually, Libink Promisusing the word = 10:45:36	. 1	they were asking for. They just asked me to find = 10:47:52
2	species. Swap the word species with animal. 10:45:40	2	out whether if worked or not and to have 10:47:54
3	MR. OSTOFIC: Same objections. 10:45:42	. 3	them you know, get back to them; if it didn't = \$0:47.58
4	THE WITNESS: You want me to go ahead and 10:45:44	4	work, they didn't want to be making those claims, 10:48:02
5	answer? 10:45:44	.5	so I guess that's what you are referring to. 10:48:04
6	MR. OSTOJIC: Yeah, go ahead. 10:45:44	6	BY MR. KOPEL: 10:48:06
7	BY THE WITNESS: 10:45:46	7	Q. So they were hoping to gather data in 10:48:06
8	A. Okay. Sound and repolling animals with 10:45;46	8	order to support the cleims that they were making, 10:48:08
9	sound is going to depend entirely on the hearing 10:45:52	9	is that correct? 10:48:10
10	range which is known for any individual species 10:45:56	10	A. Probably, I didu't ask. 10:48:10
ļ,,	that you're going to test it upon. Bats can hear 10:45:58	11	Q. But that makes sense, right? 10:48:12
12	up to 140,000 cycles per second. We know that the 10:46:02	12	A. Yes. 10:48 J4
13	range of mice and rats includes ultrasound and that 10:46:06	13	MR, OSTOJIC: Object to the form. 10:48:14
	they regularly communicate with their pups and each 10:46:08	Ja.	BY MR. KOPRI.: 10:48:34
	other in that frequency. 30:46:12	15	O. When was the Transonic Pro when did 10:48:18
16	If you're going to try this against a 50;46:14	16	n begin being sold? 10:48:22
: 17	bear, for evolutionary reasons I'd he willing to 10:46:16	17	A. I don't know the specific date. 10:48:24
	bet his hearing range doesn't go alrove 8,000 10:46:20	18	Probably sometime in the anid mineries. 10:48:30
1	because there is nothing he needs to find which is 10:46:24	19	Q. Okay. So it's been on the market for 10:48:34
1	altrasound. 10:46:28	20	, ,
21	BY MR. KOPEL: 10:46:28	21	A. Yes. 10:48:36
22	Q. With regards to your mice study, do you 10:46:26	22	Q. Can you please form to page 11 of 10.49:00
1		23	Exhibit 2? Let me know when you're there. 10:49:02
1		24	•
24	same conclusion regarding «ffivacy as to rats? 10:46:38 Page 46	24	A. Okay. 10:49:12 Page 48
1			
1	A. I have not lested on rats, but since the 10:46:44	J	Q. Okay. On the third paragraph of page 11 - 10:49.16
1 2	A.—I have not lested on rats, but since the = 10:46:44  Bett & Newek's have shown efficacy against both = 10:46:48		Q. Okay. On the third paragraph of page 11 - 10:49.16 kere, you reference findings by Dr. Richard Mankin, 10:49:20
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2	Bett & Nowels's have shown efficacy against both 10:46:48	2	kere, you reference findings by Dr. Richard Mankin, 10:49:20
3	Bell & Nowek's have shown efficacy against both 10:46:48 and the Chinese questions without question, I would 10:46:52	2	kere, you reference findings by Dr. Richard Mankin, 10:49;20 do you see that? 10:49:24
2 3 4	Bett & Nowels's have shown efficacy against both 10:46:48 and the Chinese questions without question, I would 10:46:52 say that it should, 10:46:54	2 : 3 : 4 : 5	kere, you reference findings by Dr. Richard Mankin, 10:49:20 do you see that? 10:49:24  A. Yes. 10:49:26
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1 are kind	of long sentences.	10:50:	24	1	in it, is	that correct?	10;	52;50	
2 A.	Yes, I'm sorry, I do cua-on s	sentences. 1	0:50:26	2	A.	One.	10:52	:52	
3 Q 1	I can say with containty yo	ou know	0:50:28	3	Q.	Okay. Can you he	elp me with the	10:52:52	
4 what, thi	is is all one sentence. I'm g	oing to start	10:50:30	4	termin	ology, please? On t	the outside, there	is two 10:52:50	6
5 from the	e middle of the first sentence	e. 10:	50:36	5		that people would o			JO
	Okav.	10:50:36		6		les, the sound come:	war in the same of the same of the		
	"I can say with certainty tha		0:50:38	7		ng to a different		0:53:06	570
	cy and amplitudes produced			g		It's a different unit		53:06	
	nd units used in this study or		10:50:42	9	Q.	Different unit.		53:08	
	y with the sound qualities of		10:50:46	10	1353	R. OSTOJIC: Objec		10:53:08	
	•		Wy the decision of the	1					0.500
	s described by both the B &			11		R. KOPEL: Let's us			#3ac
	ikin's tests of the B & H mo			12		n help us. I'll ask th			6250
	e sound spectrum and force		10:50:58	13	400mm	mark as Exhibits W			:24
	nd devices was the same, th			14	docum	ients we'll have the		10:54:32	300
	nave been just as successful		0:51:06	15		7/		ils were 10:54:	:32
	iic Pro device I tested if used			16			d Deposition Ext	ubd	
	dance with the packaging in		00 10:51:12	17		Nos. 3 and 4, fo			
8 you see	that?	10:51:16		18		as of 01/12/2019	3.)		
9 A.	Yes.	10:51:16		19	BYM	R. KOPEL:			
0 Q.	I read it accurately?	10:51:10	Ş.	20	Q.	Dr. Whitford, do y	you have Exhibit	37 10:55:20	
J A	You did.	10:51:18		21	A.	1 do.	10:55:	22	
2 Q. (	Can you just please define v	what the 1	0:51:18	22	Q.	What is it?	10:5	5:22	
3 letters U	JPR are meant to stand for?	10	:51:24	23	Λ.	Transonic Pro ima	ige.	10:55:24	
4 A.	Ultrasonic pest repeller.	10:51:		24	Q.	It's an image of th	e unit?	10:55:28	
			Page 50		551	02:0		P:	'age !
	Thanks. I know that was an		10:51:30	1		Uh-hoh.		5:30	
2 question	n, but sometimes these thing		10:51:30	2	Q.		thus to be a print		
3 the reco		10:51:30		3		Bird-X website?		10:55:32	
4 A	And when you say sound spe	ectrom in that	10:51:38	4	Α,	1 do.	10:55:	34	
5 last sent	tence, is that referring to fre	quency? I	0;51;42	:5	Q.	We'll get to it. At	id then do you ha	ive 10:55:36	
6 Λ.	The range of frequency from	m lowest to	10:51:44	6	Exhib	it No. 4?	10:	55:38	
7 highest.	(*)	10:51:46		7	A.	Yes,	10:55	:38	
8 Q.	And when you say force, is	that 10	:51:48	8	Q.	Have you seen thi	is before?	10:55:38	
9 referring	g to decibels?	10:51:50	J.	.9	A.	Absolutely.	10:	55:40	
0 A.	Decibels.	10:51:50		10	Q.	What is it?	10:	55:40	
	Okay, thank you. So did yo	ou make a	10:51:52	11	Α.	It's a description of	of the Transonic	10:55:42	
	ination that your findings as		0:51:58	12	7.7	ase, operation and se		10:55:46	
	nic Pro unit were transferabl		10:52:02	13		Are these the inst		10:55:56	
	Howell repellers on the basi			14		onic Pro?		:55:58	
	ie frequency spectrum and d	ATTICLE OF THE PARTY OF THE PARTY.	10:52:10	15	Α.		10:56		
	OSTOJIC: Object to form.		0:52:14	16	O.				
	R WITNESS:		0.72.14	17	1000	ection as to the cons		10:56:06	
				1 5.00					
	Yes. There is really no oth	55	0:52:18	18		onic Pro?		:56:08	
	ne the difference between th		10:52:20	19		It does.	10:56		265
	ose things, they have the sar		10:52:22	20	Q,	Okay, How many			)8
1 properti	ies, and Dr. Mankin was goo	od enough to g	ive 10:52.26	21	have?		10:56		
	information.	10;52.3	4	22	A.	Two.	15056	1:10	
2 me that	R. KOPEL:	10:52	:42	23	Q.	Now, would it giv	ve you pause to re	ely on 10:56:20	1

	1	
	ultrasonic units that have only one speaker? 10:56:32	1 correct, or in the rold ninecies? 10;59;04
2	A. It would not. 10:56:38	2 A. Mid to late naneties. 10:59:04
3	Q. Why not? 10:56:40	3 Q. Okey, Now, is that an issue that the 10:59:06
4	A. In all probability the two speakers are 10:56:44	4 Transonic Pro was designed one to two decades 10:59:12
5	there becomes for the ultrasound and one 10:56:48	5 hafare the Rell & Howell devices? 10:59:22
6	produces soulo levels. Speakers are quite 10(56,50	6 MR. OSTORIC: Object to forto, 10:59:24
7	different in terms of the smads that they produce, 110.56(54)	7 BY THE WITNESS; 10:39:30
8	When I was testing altrasound earlier on 10:57:00	8 A. As long as the frequencies rhey're 10 59:30
9	in the eightles, I regularly fried Piezo electronic 10:57:02	9 producing and the decibel levels they're producing 10:59:32
10	speakers which were ultrasound speakers by boosting 10:57:16	10 are the same 10:59:36
11	the amplitude a little too high as in burned them 10:57:18	11 BY MR. KOPEL: 10:59:36
12	up because ultrasound uses different speakers to 10:57:24	12 Q. Yes. 10:59:38
13	produce that, 10/S7:32	J3 A. It doesn't make any difference ready 10:59:38
. 14	Q. You weren't involved in the construction 10:57:38	14 When you made them. Components, post 95, 10:59:40
15	of this just, concer? 10:57;40	15 construction, other than the difference between 10:59:50
16	A. No. 10:57:42	16 meral and plastic housings, is not that different. 10:59:54
17	Q. Okay. So when you say in all 10:57:42	17 Q. Are the size of the speakers the same on 10 59;56
18	probability )0:57:44	18 the Transonic Pro as the Bell & Howell devices? 10:59:58
19	A. Thuve gone back — 10:57:46	19 A. Transonie Pros have a slightly smaller 11:00:00
20	Q.— I'm sorry, lei me just finish my 10:57:46	20 speaker. 11:00:02
21	question. Have you verified that, or are you \$0.57:50	2.1 Q. Does that make a difference? 11:00:04
22	speculating? 10:57:50	22. A. Not if the decibes level and the 15:00:04
23	MR, OSTOTIC: Object to form. JR 57:52	23 frequencies concepond. 11:00:08
24	BY THE WITNESS: 10.57:52	24 Q. Doos the Transparie Profuse a 11:00:10
	Page 54	Page 5
1		
1.	A. Ulaye contacted Bird X and tite 10:57:52	Tosolid - oh, I'm sorry to interrupt you.   i 1:00:14
1	A. Unave contacted Bird X and the 10:57:52 manufacturer of it and double checked the second 10:57:56	1 solid on, I'm sorry to interrupt you. 11:00:14     2 A. That's just one of the examples of the 11:00:16
2		
2 3	manufacturer of it and double checked the sound 10:57.56	2 A. That's just one of the examples of the 11:00:16
2 3	manufacturer of it and double checked the spand 10:57.56 frequencies produced at each setting according to 10:58:00	A. That's just one of the examples of the 11:00:16     change in the equipment over time since the sixties 11:00:18
2 3 4	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according in 10:58:00 them and the decibel levels being produced at each 10:58:02	2 A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixtles 11:00:18 4 to seventies, eighties, nineties. We've getting 11:00:20
2 3 4 5	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according to 10:58:00 them and the decibel levels being produced at each 10:58:02 setting with them. 10:58:04	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixtles 11:00:18 4. to seventies, eighties, nineties. We've getting 11:00:20 5. smaller units just like you can now do so your cell 11:00:24 6. phone what you used to do on the IBM 360. JL:00:28
2 3 4 5 6 7	manufacturer of it and double checked the sound 19:57-56 frequencies produced at each setting according to 10:58:00 them and the decibed levels being produced at each 10:58:02 setting with them. 10:58:04 BY MR. KOPEL: 10:58:06	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixtles 11:00:18 4. to seventies, eighties, ninexies. We're getting 11:00:29 5. smaller units just like you can now do ou your cell 11:00:24 6. phone what you used to do on the IBM 360. JL:00:28 7. Q. Would you agree that even though \$1:00:30
2 3 4 5 6 7 8	manufacturer of it and double checked the sound 19:57-56 frequencies produced at each setting according to 10:58:00 them and the decibel levels being produced at each 10:58:02 setting with them. 10:58:04  BY MR. KOPEL: 10:58:06  Q. Were those the only two material 10:58:06	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixtles 11:00:18 4. to seventies, eighties, nineties. We've getting 11:00:20 5. smaller units just like you can now do on your cell 11:00:24 6. phone what you used to do on the IBM 360. 11:00:28 7. Q. Would you agree that even though 51:00:30 8. certain, you know, physical aspects of the 11:00:36
2 3 4 5 6 7 8 9	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according to 10:58:00 them and the decibel levels being produced at each 10:58:02 setting with them. 10:58:04 BY MR. KOPEL: 10:58:06 Q. Were those the only two material 10:58:06 considerations in determining whether or not the 10:58:08	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixtles 11:00:18 4. to seventies, eighties, nineties. We've getting 11:00:29 5. smaller units just like you can now do ou your cell 11:00:24 6. phone what you used to do on the IBM 360. 11:00:28 7. Q. Would you agree that even though 51:00:30 8. certain, you know, physical aspects of the 11:00:36
2 3 4 5 6 7 8 9	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according m 10:58:00 them and the decibed levels being produced at each 10:58:02 setting with them. 10:58:04 BY MR. KOPEL: 10:58:05 Q. Were those the only two material 10:58:06 considerations in determining whether or not the 10:58:08 results from the Transonic Pro were valid towards 10:58:12	2 A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixties 11:00:18 4 to seventies, eighties, nineties. We're getting 11:00:20 5 smaller units just like you can now do on your cell 11:00:24 6 phone what you used to do on the IBM 360. J1:00:28 7 Q. Would you agree that even though 91:00:30 8 certain, yes know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42
2 3 4 5 6 7 8 9 JO	manufacturer of it and double checked the sound 19:57:56 frequencies produced at each setting according to 10:58:02 setting with them. 10:58:04  BY MR. KOPEL: 10:58:06  Q. Were those the only two material 10:58:06 considerations in determining whether or not the results from the Transunic Pro were valid towards 10:58:12 the Bell & Howell devices? 10:58:16	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixtles 11:00:18 4. to seventies, eighties, nineties. We're getting 11:00:20 5. smaller units just like you can now do to your cell 11:00:24 6. phone what you used to do on the IBM 360. 11:00:28 7. Q. Would you agree that even though 31:00:30 8. certain, you know, physical aspects of the 11:00:36 9. Transonic Pro are different than certain physical 11:00:42 10. aspects of the Bell & Howell devices let me 31:00:44
2 3 4 5 6 7 8 9 J0	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according to 10:58:00 them and the decibel levels being produced at each 10:58:02 setting with them. 10:58:04 BY MR. KOPEL: 10:58:06	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixties 11:00:18 4. to seventies, eighties, nineties. We're getting 11:00:29 5. smaller units just like you can now do on your cell 11:00:24 6. phone what you used to do on the IBM 360. JL:00:28 7. Q. Would you agree that even though 51:00:30 8. certain, you know, physical aspects of the 11:00:36 9. Transonic Pro-cree different than certain physical 11:00:42 10. aspects of the Bell & Tlowell devices let me 31:00:44 11. start the question over because I got confused. 11:00:48
2 3 4 5 6 7 8 9 J0 11 12	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according in 10:58:00 them and the decibed levels being produced at each 10:58:02 setting with them. 10:58:04  BY MR. KOPEL: 10:58:06  Q. Were those the only two material 10:58:06 considerations in determining whether or not the 10:58:08 results from the Transonic Pro were valid towards 10:58:12 the Bell & Howell devices? 10:58:18  A. Yes. 10:58:18  Q. Do you see that the Transonic Pro has a 10:58:20	2 A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixties 11:00:18 4 to seventies, eighties, ninexies. We've getting 11:00:20 5 smaller units just like you can now do so your cell 11:00:24 6 phone what you used to do on the IBM 360. J1:00:28 7 Q. Would you agree that even though 11:00:30 8 certain, you know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42 10 aspects of the Bell & Trowell devices let me 31:00:44 11 start the question over breases I got confused. 11:00:48 12 Would you agree that, even though 11:00:50 13 certain physical aspects of the Transonic Pro 11:00:52
2 3 4 5 6 7 8 9 J0 11 12 13	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according in 10:58:02 setting with them. 10:58:04  BY MR. KOPEL: 10:58:06  Q. Were those the only two material 10:58:08 considerations in determining whether or not the 10:58:08 results from the Transunic Pro were valid towards 10:58:12 the Bell & Howell devices? 10:58:18  A. Yos. 10:58:18  Q. Do you see that the Transonic Pro has a 10:58:20 metal easing on it? 10:58:22	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixties 11:00:18 4. to seventies, eighties, ninexies. We've getting 11:00:20 5. smaller units just like you can now do so your cell 11:00:24 6. phone what you used to do on the IBM 360. 11:00:28 7. Q. Would you agree that even though 31:00:30 8. certain, you know, physical aspects of the 11:00:36 9. Transonic Pro are different than certain physical 11:00:42 10. aspects of the Bell & Howell devices let me 31:00:44 11. start the question over because I got confused. 11:00:48 12. Would you agree that, even though 11:00:50 13. certain physical aspects of the Transonic Pro 11:00:52
2 3 4 5 6 7 8 9 J0 11 12 13	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according to 10:58:00 them and the decibel levels being produced at each 10:58:02 setting with them. 10:58:04 BY MR. KOPEL: 10:58:06 Upon the setting with them. 10:58:06 Upon the setting whether or not the 10:58:08 Upon the Transunic Pro were valid towards 10:58:12 Upon the Transunic Pro was a 10:58:20 Upon you see that the Transunic Pro has a 10:58:20 Upon you see that the Transunic Pro has a 10:58:20 Upon the setting on it? 10:58:24	2. A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixtles 11:00:18 4 to seventies, eighties, nineties. We're getting 11:00:20 5 smaller units just like you can now do ou your cell 11:00:24 6 phone what you used to do on the IBM 360. 11:00:28 7 Q. Would you agree that even though 51:00:30 8 certain, you know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42 10 aspects of the Bell & Thowell devices let me 11:00:44 11 start the question over because I got confused. 11:00:48 12 Would you agree that, even though 11:00:50 13 certain physical aspects of the Transonic Pro 11:00:52 14 devices are different from physical aspects of the 11:00:54
2 3 4 5 6 7 8 9 J0 11 12 13 14 15	manufacturer of it and double checked the sound 10:58:00 frequencies produced at each setting according to 10:58:02 setting with them. 10:58:04 BY MR. KOPEL: 10:58:06 10:58:06 Q. Were those the only two material 10:58:06 considerations in determining whether or not the 10:58:08 results from the Transonic Pro-were valid towards 10:58:12 the Rell & Howell devices? 10:58:18 Q. Do you see that the Transonic Pro-bas a 10:58:20 metal easing on it? 10:58:24 Q. Okay. And are you aware that 10:58:24	2. A. That's just one of the examples of the 11:00:16 3. change in the equipment over time since the sixties 11:00:18 4. to seventies, eighties, ninexies. We're getting 11:00:29 5. smaller units just like you can now do on your cell 11:00:24 6. phone what you used to do on the IBM 360. 11:00:28 7. Q. Would you agree that even though 51:00:30 8. certain, you know, physical aspects of the 11:00:36 9. Transonic Profess different than certain physical 11:00:42 10. aspects of the Bell & Trowell devices let the 31:00:44 11. start the question over because I got confused. 11:00:48 12. Would you agree that, even though 11:00:50 13. certain physical aspects of the Transonic Pro 11:00:52 14. devices are different from physical aspects of the 11:00:54 15. Bell & Howeli devices, that the test results from 11:00:58
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16	manufacturer of it and double checked the sound 10:58:00 them and the decibes levels being produced at each 10:58:02 setting with them. 10:58:04 BY MR. KOPEL: 10:58:06 10:58:06 Q. Were those the only two material 10:58:06 considerations in determining whether or not the 10:58:08 results from the Transonic Pro were valid towards 10:58:12 the Bell & Herwell devices? 10:58:18 Q. Do you see that the Transonic Pro has a 10:58:20 metal easing on it? 10:58:24 Q. Okay. And are you aware that 10:58:24 Units Bell & Howell devices have a plastic ousing? 10:58:26	2. A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixtles 11:00:18 4 to seventies, eighties, nineties. We're getting 11:00:20 5 smaller units just like you can now do to your cell 11:00:24 6 phone what you used to do on the IBM 360. 11:00:28 7 Q. Would you agree that even though 31:00:30 8 certain, you know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42 10 aspects of the Bell & Howell devices let me 31:00:44 11 start the question over because I got confused. 11:00:50 12 Would you agree that, even though 11:00:50 13 certain physical aspects of the Transonic Pro 11:00:52 14 devices are different from physical aspects of the 11:00:54 15 Bell & Howell devices, that the test results from 11:00:58 16 the Transonic Pro are still transferable to the 11:01:04 17 Bell & Howell devices solely because the frequency (1:01:10
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17	manufacturer of it and double checked the sound 10:57:56 frequencies produced at each setting according to 10:58:02 setting with them. 10:58:04  BY MR, KOPEL: 10:58:06  Q. Were those the only two material 10:58:06 considerations in determining whether or not the results from the Transunic Pro were valid towards 10:58:12 the Bell & Howell devices? 10:58:18  Q. Do you see that the Transonic Pro has a 10:58:20 metal easing on it? 10:58:24  Q. Okay, And are you aware that 10:58:24  Bell & Howell devices have a plastic cusing? 10:58:26  A. Yes, 10:58:30	2. A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixties 11:00:18 4 to seventies, eighties, ninexies. We're getting 11:00:20 5 smaller units just like you can now do ou your cell 11:00:24 6 phone what you used to do on the IBM 360. 11:00:28 7 Q. Would you agree that even though 31:00:30 8 certain, you know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42 10 aspects of the Bell & Howell devices let me 11:00:44 11 start the question over because I got confused. 11:00:48 12 Would you agree that, even though 11:00:50 13 certain physical aspects of the Transonic Pro 11:00:52 14 devices are different from physical aspects of the 11:00:54 15 Bell & Howell devices, that the test results from 11:00:58 16 the Transonic Pro are still transferable to the 11:01:04 17 Bell & Howell devices solely because the frequency (1:01:10 18 and amplitude are the same? 11:01:14
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17 J8	frequencies produced at each setting according to 10.58:00 them and the decibed levels being produced at each 10.58:02 setting with them. 10.58:04 BY MR. KOPEL: 10.58:06 10.58:06 Upon them and the decibed levels being produced at each 10.58:06 setting with them. 10.58:06 10.58:06 Upon the 10.58:08 Upon the 10.58:08 Upon the 10.58:08 Upon the 10.58:12 U	2. A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixties 11:00:18 4 to seventies, eighties, nineties. We're getting 11:00:20 5 smaller units just like you can now do ou your cell 11:00:24 6 phone what you used to do on the TBM 360. 11:00:28 7 Q. Would you agree that even though 51:00:30 8 certain, you know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42 10 aspects of the Bell & Tlowell devices let me 31:00:44 11 start the question over because I got confused. 11:00:48 12 Would you agree that, even though 11:00:50 13 certain physical aspects of the Transonic Pro 11:00:52 14 devices are different from physical espects of the 11:00:54 15 Bell & Howell devices, that the test results from 11:00:58 16 the Transonic Pro are still transferable to the 11:01:04 17 Bell & Howell devices solely because the frequency (1:01:10 18 and amplitude are the same? 11:01:14
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17 J8 19 20	frequencies produced at each setting according in 10.58:00 them and the decibes levels being produced at each 10.58:02 setting with them. 10.58:04 Hy MR, KOPEL: 10.58:06 Upon a 10.58:08 Upon a 10.58:08 Upon a 10.58:12 Upon	A. That's just one of the examples of the 11:00:18 change in the equipment over time since the sixties 11:00:18 to seventies, eighties, ninexies. We're getting 11:00:29 smaller units just like you can now do on your cell 11:00:24 phone what you used to do on the IBM 360. 11:00:28 Q. Would you agree that even though \$1:00:36 certain, you know, physical aspects of the 11:00:36 Transonic Pro are different than certain physical 11:00:42 aspects of the Bell & Howell devices let me 31:00:44 start the question over because I got confused. 11:00:48 Would you agree that, even though 11:00:50 certain physical aspects of the Invasorie Pro 11:00:52 devices are different from physical aspects of the 11:00:54 Bell & Howell devices, that the test results from 11:00:58 the Transonic Pro are still transferable to the 11:01:04 Bell & Howell devices solely because the frequency (1:01:10 and amplitude are the same? 11:01:14
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17 J8 19 20 21	frequencies produced at each setting according to 10,58:00 them and the decibed levels being produced at each 10:58:02 setting with them. 10:58:04  BY MR. KOPEL: 10:58:06  Q. Were those the only two material 10:58:06 considerations in determining whether or not the results from the Transumic Pro were valid towards 10:58:12 the Bell & Howell devices? 10:58:18  Q. Do you see that the Transonic Pro has a 10:58:20 metal easing on it? 10:58:24  Q. Okay. And are you aware that 10:58:24  Bell & Howell devices have a plastic easing? 10:58:26  A. Yes. 10:58:30  Q. Is that an issue? 10:58:32  A. Not to the best of my knowledge because 10:58:34 the sound moves cut from the speakers, not back or 10:58:38 around them. It's very directional. 10:58:44	A. That's just one of the examples of the 11:00:16  diange in the equipment over time since the sixties 11:00:18  to seventies, eighties, ninexies. We're getting 11:00:20  smaller units just like you can now do ou your cell 11:00:24  phone what you used to do on the IBM 360. 11:00:28  Q. Would you agree that even though 31:00:30  certain, you know, physical aspects of the 11:00:36  Transonic Pro are different than certain physical 11:00:42  aspects of the Bell & Howell devices let me 31:00:44  start the question over because I got confused. 11:00:48  Would you agree that, even though 11:00:50  certain physical aspects of the Transonic Pro 11:00:52  devices are different from physical espects of the 11:00:54  Bell & Howell devices, that the test results from 11:00:58  the Transonic Pro are still transferable to the 11:01:04  Bell & Howell devices solely because the frequency (1:01:10  and amplitude are the same? 11:01:14  A. Yes. 11:01:16  MR. COPEL: You got the answer, right? 11:01:18
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17 J8 19 20 21 22	frequencies produced at each setting according to 10.58:00 them and the decibed levels being produced at each 10.58:02 setting with them. 10.58:04  BY MR. KOPEL: 10.58:06  Q. Were those the only two material 10.58:06 considerations in determining whether or not the 10.58:08 results from the Transonic Pro were valid towards 10.58:12 the Bell & Howell devices? 10.58:18  Q. Do you see that the Transonic Pro has a 10.58:20 metal easing on it? 10.58:24  Q. Okay. And are you aware that 10.58:24  Bell & Howell devices have a plastic ousing? 10.58:26  A. Yes. 10.58:30  Q. Is that an issue? 10.58:32  A. Not to the best of my kacowledge because 10.58:38 around them. It's very directional. 10.58:44  Q. Now, the Transonic Pro, I think you 10.58:50	2. A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixties 11:00:18 4 to seventies, eighties, nineties. We're getting 11:00:20 5 smaller units just like you can now do ou your cell 11:00:24 6 phone what you used to do on the TBM 360. 11:00:28 7 Q. Would you agree that even though 51:00:30 8 certain, you know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42 10 aspects of the Bell & Tlowell devices let me 31:00:44 11 start the question over because I got confused. 11:00:48 12 Would you agree that, even though 11:00:50 13 certain physical aspects of the Transonic Pro 11:00:52 14 devices are different from physical espects of the 11:00:54 15 Bell & Howell devices, that the test results from 11:00:54 16 the Transonic Pro are still transferable to the 11:01:04 17 Bell & Tlowell devices solely because the frequency (1:01:10 18 and amplitude are the same? 11:01:14 19 A. Yes. 11:01:16 20 MR, OSTOJIC: Object to forms foundation. 13:01:18 21 MR, KOPEL: You got the answer, right? (1:01:18 22 THB COURT REPORTER: Yes. 1):01:18
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17 J8 19 20 21 22 23	frequencies produced at each setting according to 10.58:00 them and the decibed levels being produced at each 10.58:02 setting with them. 10.58:04 H258:06 setting with them. 10.58:06 10.58:06 Upon MR. KOPEL: 10.58:06 10.58:06 10.58:06 10.58:06 10.58:06 10.58:06 10.58:06 10.58:06 10.58:06 10.58:06 10.58:08 10.58:08 10.58:08 10.58:12 10	A. That's just one of the examples of the 11:00:16  diangs in the equipment over time since the sixties 11:00:18  to seventies, eighties, ninexies. We're getting 11:00:29  smaller units just like you can now do on your cell 11:00:24  phone what you used to do on the IBM 360. 11:00:28  Q. Would you agree that even though 51:00:30  certain, you know, physical aspects of the 11:00:36  Transonic Pro are different than certain physical 11:00:42  aspects of the Bell & Howell devices let the 11:00:44  start the question over breaks I got confused. 11:00:48  Would you agree that, even though 11:00:50  certain physical aspects of the Transonic Pro 11:00:52  devices are different from physical espects of the 11:00:54  Bell & Howell devices, that the test results from 11:00:58  the Transonic Pro are still transferable to the 11:01:04  Bell & Howell devices solely because the frequency (1:01:10  and amplitude are the same? 11:01:16  MR. COPEL: You got the answer, right? (1:01:18  THE COURT REPORTER: Yes. 11:01:18
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17 J8 19 20 21 22 23	frequencies produced at each setting according to 10.58:00 them and the decibed levels being produced at each 10.58:02 setting with them. 10.58:04  BY MR. KOPEL: 10.58:06  Q. Were those the only two material 10.58:06 considerations in determining whether or not the 10.58:08 results from the Transonic Pro were valid towards 10.58:12 the Bell & Howell devices? 10.58:18  Q. Do you see that the Transonic Pro has a 10.58:20 metal easing on it? 10.58:24  Q. Okay. And are you aware that 10.58:24  Bell & Howell devices have a plastic ousing? 10.58:26  A. Yes. 10.58:30  Q. Is that an issue? 10.58:32  A. Not to the best of my kacowledge because 10.58:38 around them. It's very directional. 10.58:44  Q. Now, the Transonic Pro, I think you 10.58:50	2. A. That's just one of the examples of the 11:00:16 3 change in the equipment over time since the sixties 11:00:18 4 to seventies, eighties, nineties. We're getting 11:00:20 5 smaller units just like you can now do ou your cell 11:00:24 6 phone what you used to do on the TBM 360. 11:00:28 7 Q. Would you agree that even though 51:00:30 8 certain, you know, physical aspects of the 11:00:36 9 Transonic Pro are different than certain physical 11:00:42 10 aspects of the Bell & Tlowell devices let me 31:00:44 11 start the question over because I got confused. 11:00:48 12 Would you agree that, even though 11:00:50 13 certain physical aspects of the Transonic Pro 11:00:52 14 devices are different from physical espects of the 11:00:54 15 Bell & Howell devices, that the test results from 11:00:54 16 the Transonic Pro are still transferable to the 11:01:04 17 Bell & Tlowell devices solely because the frequency (1:01:10 18 and amplitude are the same? 11:01:14 19 A. Yes. 11:01:16 20 MR, OSTOJIC: Object to forms foundation. 13:01:18 21 MR, KOPEL: You got the answer, right? (1:01:18 22 THB COURT REPORTER: Yes. 1):01:18

		1	
1	questioning, and then we can take a break, does 11:01:38	1	not sure exactly of the frequency which will 11:04:48
2	that sound good? 11:05:42	2	disturb the animal you're dealing with, when it 11:04:50
3	Okny, (banks. 11:01:43	3	runs (brough 25,000 cycles per second of 11:04:52
4	Can you please take a look at 11:01.46	4	fluctuation, you're going to catch all those places 11:05:00
5	Exhibit 3 no. 4, rake a look at Exhibit 4. You 11:01:54	5	instead of if you just set it for 2,3(X) cycles per = 11(05:02
6	see this design here, Figure 1, does that 11:02:12	6	second, it might be below or above the frequency of 11:05:08
7	accurately reflect what appears on the back side of -11:02:16	7	the animal, so the sweep patterns sometimes can be 11:05:12
k	the Transonie Pro unit? 11:02:22	8	more effective. It also carries - the lower and 11:05:14
9	A. It does. 11:02:24	9	of it carries farther than the high end of it, so a 11:05:18
: : 10	Q. Okay. So there are different settings 11:02:24	10	steady 45,000 cycles per second would travel half 11:05:22
11	to choose for sound volume and for sound pattern, 11:02:30	11	the distance of a steady 22,000 cycles per second 11:05:26
12	is that correct? J1:02:34	J2	Secares the attenuation of sound is related to the 11:05:30
13	A. Yes, 11:02:34	:	wavelength. 11:05:34
14	Q Okay. And according to this chart, you 11:02:34	: 14	Q. So against that backdrop, can you please 11:05:34
15	should choose which settings to use based on which 11:02:40		explain sound pattern A, what that would be? !1:05:40
16		16	A. Thave no idea. 11:05:46
17	that correct? 11:02:50	17	Q. So do you = 11:05:48
18	A. That's what's implied. 11:02:50	18	A. Thave specifically addressed Bird-X and 11:05:50
19	O. Okay. So sound volume there is the 11:02:54	19	
. 20	•	20	had them relay my question to the manufacturer. 11:05:54  Por still waiting for a response to get that 11:05:58
, 2J	A. Concet 11:03:10  O. And is that because different animals 11:03:10	21	information exactly from the manufacturer. 1:-06:02
22	· · · · · · · · · · · · · · · · · · ·	22	Q. And I'm assuming the answer is the same 21:06:04
23	perquire different decibel levels in order to be 11:03:12		for B and C, correct? 11.06;06
24	repelled? 11:05:18 Page 58	24	A. Correct. Oh, wait yeah, sound 11:06:08 Page 60
$\vdash$			
1	A. Partially that, partially to allow for 11:03:18	1	patterns A, B and C, yeah, that's absolutely 11:06:12
, 1	A. Partially that, partially to allow for = 10:03:18 better confloit levels for people and posts in a = 11:03:24		patterns A, B and C, yeah, that's s/solntely 11:06:32 correct for those. 11:06:36
3			
3	better comfort levels for people and posts to a 11:03(24)	2	correct for those. 11:06:16
? 3 4	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28	2 3 4	On rect for those. 11:06:16  Q. So you don't know — 11:06:16
? 3 4 5	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audibie to 11:03:28 you, it's not an irritation to you, it doesn't 21:03:30	2 3 4	entreet for those. 11:06:16  Q. So you don't know — 11:06:16  A. I don't know if it's a sweep or a 11:06:18
? 3 4 5 6	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 21:03:30 upset your ead and your dog. If you have to go to 11:03:34	2 3 4 5 6	connect for those.
? 3 4 5 6 7	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irrutation to you, it doesn't 11:03:30 upser your cat and your dog. If you have to go to 11:03:34 one of the audible frequencies, you're not going to 11:03:38	2 3 4 5 6	connect for those. IJ:06:16 Q. So you don't know = 11:06:16 A. I don't know if it's a sweep or a 11:06:18 steady. II:06:20 Q. And you don't know specifically what 11:06:20 frequencies are represented by each of these 11:06:22
? 3 4 5 6 7	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 11:03:30 upset your ead and your dog. If you have to go to 11:03:34 one of the midble frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:45	2 3 4 5 6	entrect for those. 11:06:16  Q. So you don't know = 11:06:16  A. I don't know if it's a sweep or a 11:06:18  steady. 11:06:20  Q. And you don't know specifically what 11:06:20  frequencies are represented by each of these 11:06:22
? 3 4 5 6 7 8	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 21:03:30 upset your eat and your dog. If you have to go to 11:03:34 one of the middle frequencies, you're not going to 11:03:38 like what you're heuring. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48	2 3 4 5 6 7 8	connect for those. 11:06:16  Q. So you don't know = 11:06:16  A. I don't know if it's a sweep or a 11:06:18 steady. 11:06:20  Q. And you don't know specifically what 11:06:20 frequencies are represented by each of these 11:06:22 either, do you? 11:06:24
? 3 4 5 6 7 8 9	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irrutation to you, it doesn't 11:03:30 upset your eat and your dog. If you have to go to 11:03:34 one of the multiple frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same against was. 11:03:48  Q. Are you referring to the level setting? 11:03:48	2 3 4 5 6 7 8	connect for those.
? 4 5 6 7 8 9 J0	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 21:03:30 upser your cad and your dog. If you have to go to 11:03:34 one of the multiple frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48 Q. Are you referring to the load setting? 11:03:48 A. Yeah. 11:03:50	2 3 4 5 6 7 8 9	entreet for those. II:06:16  Q. So you don't know — II:06:16  A. I don't know if it's a sweep or a II:06:18  steady. II:06:20  Q. And you don't know specifically what II:06:20 frequencies are represented by each of these II:06:22 either, do you? II:06:24  A. All I know is that if it is on quiet, it II:06:26 is supposed to be producing frequencies from 20,000 II:06:30
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2 3 4 5 6 7 8 9 J0 11 12	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 21:03:30 upser your eat and your dog. If you have to go to 11:03:34 one of the multiple frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48 Q. Are you referring to the loud setting? 11:03:48 A. Yeah. 11:03:50 Q. Okay. And cae you explain what sound 11:03:50 patrom is, please? 11:03:56 A. Well, by sound patrom there, what 11:03:58	2 3 4 5 6 7 8 9 10 11	entreet for those. II:06:16  Q. So you don't know — II:06:16  A. I don't know if it's a sweep or a II:06:18  steady. II:06:20  Q. And you don't know specifically what II:06:20  frequencies are represented by each of these II:06:22  either, do you? II:06:24  A. All I know is that if it is on quiet, it II:06:26  is supposed to be producing frequencies from 20,000 II:06:30  to 45,000 eyeles per second, but I don't know that II:06:32  it's producing at steady state, pulsing, sweep. II:06:38
? 3 4 5 6 7 8 9 JO 11 12	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 21:03:30 upser your cat and your dog. If you have to go to 11:03:34 one of the middle frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48 Q. Are you referring to the loud setting? 11:03:48 A. Yeah. 11:03:50 Q. Okay. And cae you explain what sound 11:03:50 patron is, please? 11:03:56 A. Well, by sound patron there, what 11:03:58	2 3 4 5 6 7 8 9 10 11 12	entreet for those. 11:06:16  Q. So you don't know — 11:06:16  A. I don't know if it's a sweep or a 12:06:18  steady. 11:06:20  Q. And you don't know specifically what 12:06:20 frequencies are represented by each of these 11:06:22 either, do you? 11:06:24  A. All I know is that if it is on quiet, it 11:06:26 is supposed to be producing frequencies from 20:000—11:06:30 to 45,000 eyeles per second, but I don't know that 11:06:32 it's producing at steady state, pulsing, sweep. 11:06:38 Those are the three main options for the sound 11:06:44
? 3 4 5 6 7 8 9 J0 11 12 13	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 11:03:30 upser your ead and your dog. If you have to go to 11:03:34 one of the multible frequencies, you're not going to 11:03:38 like what you're heuring. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48 Q. Are you referring to the loud setting? 11:03:48 A. Yesh. 11:03:50 Q. Okay. And cas you explain what sound 11:03:50 patrom is, please? 11:03:56 A. Well, by sound patrom there, what 11:03:58 they're referring to production of the sound 11:04:02 itself. Sound putterns you can have a steady state 11:04:08	2 3 4 5 6 7 8 9 10 11 12 13 14	entreet for those. 11:06:16  Q. So you don't know — 11:06:16  A. I don't know if it's a sweep or a 11:06:18  steady. 11:06:20  Q. And you don't know specifically what 11:06:20 frequencies are represented by each of these 11:06:22 either, do you? 11:06:24  A. All I know is that if it is on quiet, it 11:06:26 is supposed to be producing frequencies from 20,000 11:06:30 to 45,000 eyeles per second, but I don't know that 11:06:32 it's producing at steady state, pulsing, sweep. 11:06:38 Those are the three main options for the sound 11:06:44 pulterns; a sleaky state, you know, centimal 11:06:44 broadcust either of one frequency or the full 11:06:50
2 3 4 5 6 7 8 9 J0 11 12 13 14 15 16	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 11:03:30 upset your ead and your dog. If you have to go to 11:03:34 one of the midble frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:45 Q. Are you referring to the level setting? 11:03:48 A. Yeah. 11:03:50 Q. Okay. And cae you explain what sound 11:03:50 patrom is, please? 11:03:56 A. Well, by sound patrom there, what 11:03:58 they're referring to production of the sound 11:04:02 itself. Sound putterns you can have a steady state 11:04:08 sound, just one frequency played continually; you 11:04:12	2 3 4 5 6 7 8 9 10 11 12 13 14 25 26	entreet for those. 11:06:16  Q. So you don't know = 11:06:16 A. I don't know if it's a sweep or a 11:06:18 steady. 11:06:20 Q. And you don't know specifically what 11:06:20 frequencies are represented by each of these 11:06:22 either, do you? 11:06:24 A. All I know is that if it is on quiet, in 11:06:26 is supposed to be producing frequencies from 20:000 11:06:30 to 45,000 eyeles per second, but I don't know that 11:06:32 it's producing at steady state, pulsing, sweep. 11:06:38 Those are the three main options for the sound 11:06:42 pulterns; a sleacy state, you know, centimal 11:06:44 breadcast either of one frequency or the full 11:06:50 spectrum; pulsing, so it steps and states. 11:06:52
? 3 4 5 6 7 8 9 J0 11 12 13 14 15 16 17	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 21:03:30 upser your eat and your dog. If you have to go to 11:03:34 one of the multible frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48 Q. Are you referring to the load setting? 11:03:48 A. You. 11:03:50 Q. Okay. And cae you explain what sound 11:03:50 patrom is, please? 11:03:56 A. Well, by sound patrom there, what 11:03:58 they're referring to production of the sound 11:04:02 itself. Sound putterns you can have a steady state 11:04:08 sound, just one frequency played continually: you 11:04:12 can have un alternation between two or there. 11:04:16	2 3 4 5 6 7 8 9 10 11 12 13 14 25 26 27	entreet for those. 11:06:16  Q. So you don't know — 11:06:16  A. I don't know if it's a sweep or a 12:06:18  steady. 11:06:20  Q. And you don't know specifically what 11:06:20 frequencies are represented by each of these 11:06:22 either, do you? 11:06:24  A. All I know is that if it is on quiet, it 11:06:26 is supposed to be producing frequencies from 20:000 11:06:30 to 45,000 eyeles per second, but I don't know that 11:06:32 it's producing at steady state, pulsing, sweep. 11:06:38 Those are the three main options for the sound 11:06:42 pulterns; a sleucy state, you know, centinual 11:06:44 broadcust either of one frequency or the full 11:06:50 spectrum; pulsing, so it steps and states. 11:06:52 Q. Rigist. 11:06:56
2 3 4 5 6 7 8 9 JO 11 12 13 14 15 16 17 L8	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 11:03:30 upser your ead and your dog. If you have to go to 11:03:34 one of the multible frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48 Q. Are you referring to the loud setting? 11:03:48 A. You. 11:03:50 Q. Okay. And cas you explain what sound 11:03:50 patrom is, please? 11:03:56 A. Well, by sound patrom there, what 11:03:58 they're referring to production of the sound 11:04:02 itself. Sound putterns you can have a steady state 11:04:08 sound, just one frequency played continually: you 11:04:12 can have an alternation between two or there 11:04:16 frequencies, all of their played continually: you 11:04:16	2 3 4 5 6 7 8 9 10 11 12 13 14 25 26 27 5 8	entreet for those. 11:06:16  Q. So you don't know — 11:06:16  A. I don't know if it's a sweep or a 12:06:18  steady. 11:06:20  Q. And you don't know specifically what 12:06:20 frequencies are represented by each of these 11:06:22 either, do you? 11:06:24  A. All I know is that if it is on quiet, it 11:06:26 is supposed to be producing frequencies from 20,000 11:06:30 to 45,000 eyeles per second, but I don't know that 11:06:32 it's producing at steady state, pulsing, sweep. 11:06:38 Those are the three main options for the sound 11:06:42 pulterns; a sleucy stase, you know, rentinual 11:06:44 broadcust either of one frequency or the full 11:06:50 spectrum; pulsing, so it steps and slares. 11:06:52 Q. Right, 11:06:56 A. Or the sweep up and down, up and down, 11:06:56
2 3 4 5 6 7 8 9 JO 11 12 13 14 15 16 17 18	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 11:03:30 upser your ead and your dog. If you have to go to 11:03:34 one of the multible frequencies, you're not going to 11:03:38 like what you're heuring. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:48  Q. Are you referring to the loud setting? 11:03:48 A. You. 11:03:50 Q. Okay. And cas you explain what sound 11:03:50 patrom is, please? 11:03:56 A. Well, by sound patrom there, what 11:03:58 they're referring to production of the sound 11:04:02 itself. Sound patterns you can have a steady state 11:04:08 sound, just one frequency played continually: you 11:04:12 can have an alternation between two or force 11:04:16 frequencies, all of their othersocial or ultrasonic 11:04:18 and souid; you can have a fluctuating frequency 11:04:22	2 3 4 5 6 7 8 9 10 11 12 13 14 25 26 17 18	entreet for those. 11:06:16  Q. So you don't know — 11:06:16  A. I don't know if it's a sweep or a 12:06:18  steady. 11:06:20  Q. And you don't know specifically what 11:06:20 frequencies are represented by each of these 11:06:22 either, do you? 11:06:24  A. All I know is that if it is on quiet, it 11:06:26 is supposed to be producing frequencies from 20,000 11:06:30 to 45,000 eyeles per second, bur I don't know that 11:06:32 it's producing at steady state, pulsing, sweep. 11:06:38 Those are the three main options for the sound 11:06:44 broadcust either of one frequency or the full 11:06:50 spectrum; pulsing, so it steps and states. 11:06:52 Q. Right, 11:06:56 A. Or the sweep up and down, up and down, 11:06:56 up and down. Pulsing is probably more effective 11:07:00
2 3 4 5 6 7 8 9 JO 11 12 13 14 15 16 17 18 19 20	better comfort levels for people and posts in a 11:03:24 house. If you can keep it from being audible to 11:03:28 you, it's not an irritation to you, it doesn't 11:03:30 upset your ead and your dog. If you have to go to 11:03:34 one of the midble frequencies, you're not going to 11:03:38 like what you're hearing. You'd use it if you were 11:03:40 not occupying the same space it was. 11:03:45 Q. Are you referring to the level setting? 11:03:48 A. Yeah. 11:03:50 Q. Okay. And care you explain what sound 11:03:50 patrom is, please? 11:03:56 A. Well, by sound patrom there, what 11:03:58 they're referring to production of the sound 11:04:02 itself. Sound putterns you can have a steady state 11:04:08 sound, just one frequency played continually: you 11:04:12 can have an alternation between two or those 11:04:16 frequencies, all of them played or ultrasonic 11:04:28 and sonic; you can have a fluctuating frequency to 11:04:28 that sweeps up and drive from the base frequency to 11:04:28	2 3 4 5 6 7 8 9 10 11 12 13 14 25 26 27 18 6 9	entreet for those. 11:06:16  Q. So you don't know — 11:06:16  A. I don't know if it's a sweep or a 11:06:18  steady. 11:06:20  Q. And you don't know specifically what 11:06:20  frequencies are represented by each of these 11:06:22  either, do you? 11:06:24  A. All I know is that if it is on quiet, it 11:06:26  is supposed to be preducing frequencies from 20:000 11:06:30  to 45,000 eyeles per second, but I don't know that 11:06:32  it's producing at steady state, pulsing, sweep. 11:06:38  Those are the three main options for the sound 11:06:42  pulterns; a sleacy state, you know, centimal 11:06:44  breadcast either of one frequency or the full 11:06:50  spectrum; pulsing, so it steps and states. 11:06:52  Q. Right, 11:06:56  A. Or the sweep up and down, up and down, 11:06:56  up and down. Pulsing is probably more effective 11:07:00  against things like hars which are using clicks and 11:07:04
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	AND WAS ASSESSED AND AND AND AND AND AND AND AND AND AN		Mental Appropriate Committee Committ
	institutible to the Bell & Howell devices, whether 11:07:24	1 2	<ul> <li>Q. Have you seen documents saying that? 11:09:32</li> <li>A. Yes. 11:09:34</li> </ul>
	not the Transonic Pro settings added a single 11:07:28	3	TOTAL PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROP
	tle, pulsating, sweeping, et ceteru? 11:07:32	4	Q. Okay. Did you consider those in forming 11:09:34 your opinion? 11:09:36
1	MR. OSTOJIC: Object to form. Go ahead. 11:07:34 v. THE WILLESS: 11:07:36	5	A. Yes. 11:09:36
10	A. 1 don't see that it matters in this case 11:07:36	6	
	cause both of them proved affective in moving 11:07:38	7	A. I've just recently gone back to the 11:09:42 manufacturer to get that information, so, no, they 11:09:46
	ts and mice or moving mice. 11:07:42	8	weren't listed there. 11:09:48
	Y MR. KOPEL: 11:07:44  O. When you say both of them, you mean 11:07:44	10	Q. So for quiet here, it says sounds that 11:09:50
E Komo	The control of the co		ure primarily ultrasonic, do you see that? 11:09:54
		11	A. Yes 11:09:56
1	A. Bell & Howell mits tests 2011 and 2014 11:07:48 oved effective at moving rats and mice, the 11:07:52	13	Q. Okay. What do you understand the word 11:09:58
	oved effective at moving rats and mice, the 11:07:52 ransonic Pro has proved effective at moving mice, 11:07:54	14	primarily to mean? 11:10:00
		15	A. I tend to see it as hedging your bet a 11:10:02
	the pattern of the sound is apparently not 11:07:58	16	little bit. It means that it might be possible 11:10:04
		17	that it produces something in the source range 11:10:04
		18	accidentally. There is always - sound production 11:10:10
8	THE REAL PROPERTY CONTRACTOR OF THE PROPERTY O	19	is an uncertain thing with equipment. No matter 11:10:14
			how much you refine your stereo, you may still get 11:10:18
)		20	excess vibration and base and so forth coming 11:10:22
	r rars. I have not personally tested those and 11:08:18 n always reluctant to 11:08:20	22	through it. 11:10:24
		23	Q. Okay. So we're not entirely sure 11:10:26
	Y MR. KOPEE: 11:08:22  Q. So you can't say whether the pattern is 11:08:22	24	10 10 00 00 00 00 00
4	Q. So you can't say whemer the patient is 11:06:22 Page 62	24	Page
l in	portant for rats? 11:08:24	ा	through at the quiet setting, right? 11:10:30
2	A. The evidence that I've seen so far says 11:08:26	2	A. Well, by definition, if I couldn't hear 11:10:32
it it	is. 11:08:28	3	anything on it, there is no sonic. 11:10:34
4	Q. Okay. Now, can you please repeat you 11:08:30	4	Q. Okay. Would you agree with me that the 11:10:38
5 สบ	nd for quiet, you said a range of cycles, right? 11:08:34	15	word primarily would mean for the most part or $-11:10:42$
5	A. For quiet setting, it produces a maximum 11:08:38	6	mainly? 11:10:46
7 G	equency of 45,000 cycles per second or 45 11:08:42	7	MR. OSTOJIC: Object to form, foundation. 11:10:48
8 ki	flohertz. It produces a minimum sound at 20,000 11:08:48	8	BY THE WITNESS 11:10:52
9 (3	yeles per second or 20 kilohertz, that's entirely 11:08:52	.9	A. That's its meaning. 11:10:52
0 ul	Itrasnund. There is no sonic component to it. 1 11:08:58	10	BY MR, KOPEL: 11:10:54
l c	an put my head down next to the Transonic Pro and 11:09:02	11	Q. Okay. And by definition, right, if the 11:10:54
2 h	ear nothing when I've got it on in that setting. 11:09:06	12	word primarily is there, that's implying that there 11:10:56
30	Q. How do you know that? 11:09:08	13	is something also there as well, right? 11:10:58
4	A. I've put my head down and listened to 11:09:10	14	MR. OSTOHC: Object to form, foundation. 11:10:58
5 il	, 11:09:12	15	BY THE WITNESS: 11:11:00
6	Q. Sorry, I was asking that us to the 11:09:12	1.6	A. We often use words in our sentences to 11:11:00
7 0	gores you stated. For the quiel setting, how do 11:09:14	17	add just a little more meaning or variation to them. 11:11:06
8 y	ou know that? 13:09:18	18	which don't really have a substantive place in what 11:11:10
Q	A. It says right here. 11:09:18	19	we're trying to say. Think of our president. 11:11:14
0	Q. Are those numbers listed here? 11:09:20	20	BY MR, KOPEL: 11:11:20
1	A. Yes. 11:09:22	21	Q. So is it it's your belief that they 11:11:20
2	Q. So I must be missing them. 11:09:24	22	added the word primarily here for no reason? 11:11:28
3	A. Oh, it just says primarily ultrasonic, 11:09:28	23	MR. OSTOHC: Object to form, foundation, may 11:11:32
	ut that's what that means. 11:09:30	24	call for speculation as to what the manufacturers 11:11:34
4 b		100	a language constituit de l'entre de fact de la grande de l'entre de la

		γ	
; ;	did, but gn shead and unswer. 11:11:38	1	course of your work as a consultant for Bird-X, you = 11:14:02
2	BY THE WITNESS: 11:11:40	2	never mentioned to them that there was anything 11:14:06
3	A. Yeah, I think that it just allows if 15:11:40	3	inaccapate about this statement, correct? 11:34:08
4	somebody said, wait, it's making something I can = 11:11:42	4	A. Not at all. I mean they're admitting 11:14:10
5	hear, you can say, okay, we did say primarily. If [34](1):46	5	that it doesn't penetrate hard surfaces, it doesn't 11:14:14
6	doesn't mean the unit is defective. 11:11:52	6	hold up the decibel level, the sound firees in soft - \$11.14(18)
7	BY MR. KOPEU: 11:11:52	7	surfaces, carpeting, couches other things will 11:14:24
ĸ	Q. Okay. But you would and I'm going to: 11:41:52	8	absorb that very quickly. Hard surfaces will 11:14:26
1 9	move off this real soon, but would you agree that 11:31:56	9	reflect the sound which they generally have failed 11:14:30
10	by the I understand that people might put things   11:12:00	10	to acknowledge in this. 11:14:32
11	in sometimes purposefully, but would you agree that \$1:12:02	11	Q. So in a room with carpeting, would you 11:34:38
12	by the plain meaning of the word primarily implies 11:12:06	12	say that ultrasonic would straggle to be effective 11:14:40
13	that there is something else present? 11(12:08)	13	hecause the carpet would absorb the sound? 11:14:48
14	MR. OSTORC: Object, asked and answered, form 11:12.10	14	MR. OSTORIC: Object to forth, Golahead. 11:14:50
15	and foundation, but go shead. 11(12.12	15	BY THE WITNESS: 11:J4:52
16	BY THE WIENESS: \$1:12:18	16	A. It will reduce the amplitude of the 11:14.52
27	A. If read it to mean that it should all be 11:12:18	17	sound with regard to the distance that it travels. 11:14:54
78	above every intentionally produced sound is to 11:12:22	18	Carpesing, any soft material, insulation and so 11:14:58
39	be above 20,000 cycles per second, but there is \$1:12:28	19	forth greatly reduces the range that the sound can 11:15:04
20	always a possibility of some side product sound. 11:32:32	20	travel 11:15:06
1	Nothing is absolute in the reader of sound when 11(12/38)	21	BY MR, KOPEL: 11:15:06
1	you're talking a few thousand on a few bundled 11:12-42	22	Q. And date in that, it could cause it to be 11:15:06
	cycles per second. 11:12.42	23	ineffective in repelling and driving out rodeors? 11:45:10
24	BY MR. KOPEL: 11:12:46	24	A. Yes, It's only good for the range than 11(15:12)
	Page 66		Page 68
1	Q. And you're not seen rest results 11(12:46)		the sound can travel, and that's impacted by 11:15:14
2	indicating whether or not sonic sound is present at 11:12:50	2	
3	the quiet setting, have you? 11:12:54	3	
4	A. I'm trying to remember whether Mankin 11:13:00	4	•
5	tested u, T-Pro er not. 11:13:04	5	
6	O. Mankin did not test it. 11:13:06	6	
,	A. Okay, then I probably have not seen 11:13:06	7	
8	that J1:13:08	8	
. 9	Q. Okay, Almost done with fids doctorient = 11:13:12	9	
50	Okay. Can you please Jook at the 13.13(18	10	
31	· · ·	1!	and that reduced the effectiveness of sound by \$1:15:50
	sounds? 11:13:24	12	
13	A. Uh-huh. 11:13:24	13	
14	Q. Do you see the second sentence says 13:13:26	14	
15		15	
	duors? 11:13:34		that. 11:16:08
17	A. Uh-heb. 11:13:34	17	Q. Do you suppose you would see the same 11:16:08
18	Q. Do you agree with first? 11:13:34	l	effect with wheel? 11:16:10
19	A. Closed doors is a good question. It 11:13:38	19	A. Hard woods would actually read to 13:16:14
20	- '	20	
20	there is an inch gus under the back door in any 11:13:46	21	tend to unsorb it. 11:16:20
	<del>"</del>	l	
22		22	Q. Okuy. Bulleither way it could not 91.16;20
23	have a securely sealed door to stop it. 11:13:52	23	penetrate it, is that correct? 11:16:22
	Ch. Ohms. Had some manner. I make in the 11.13.5.1	104	A Van 11:10:26
24	Q. Okay. But you never +1 mean in the 11:13:54 Page 67	24	A. Yes. 11:16:26 Page 69

1	Q. How about plastes? 11:16:28	1	anything like that, some of the smith might be $\pm 11.19.12$
2	<ul> <li>A. Plaster, good hard plaster and gypsum 11:16:30</li> </ul>	2	reflected back, some only a small part comes 11(19:16
3	board with heavy layers of paint in my experience - 11(16:36	3	arouad. 11:19:20
4	reflects the sound, bounces it into other 11:16:38	4	Q So according to this concept, if a 11:19:20
5	directions, but it doesn't seem to dump the sound. 11:26:42	5	repoller is located in an outlet near a corner of a 11:19:28
- 6	Q. What about metal? 11:16:46	G	room, the sound waves would not be able to reach 11:19:32
7	A. Reflects it. The fiting is to dumper the 11:16:48	7	around that corner, is that correct? 11:19:34
8	sound, you have to have Sie sound move the 13:16:54	8	A. Exactly, less so directional that they 11:19:36
9	molecules and particles of what's there. Particles 11:16:56	9	should not. If it were facing a very solid, herd = 11:29:40
30	of glass, particles of steel and such are so 11.37:00	10	smooth surface, like any other sound, there is (1) 9:46
3.1	thoroughly bound together that they don't per to $-11;17;04$	11	going to be some bouncing aff of that which might 11:19:48
32	move them. But in moving a wave of sound through $-11.17006$	12	reduce the sound shadow, but, yes, it will 13:19;54
13	carpet, through fabric, through cardboard, each 11:17:12	13	definitely be an area which should not be fully 11:19.58
14	time it hits something, it loses a hote force. 11:17:18	14	affected. \$1:20:00
1.5	Q. Okay. And can you think of any solid 11:17:22	15	MR. KOPEU: Okay, Let's take a quick break, 13:20:02
16	material than althosocoid can penetrate? 11:17:24	16	please. 11 20:02
17	A. Not m any degree, no. 11:17:30	17	THE VIDEOXIRAPHER: We're off the record at 11:20:04
18	Q. What shoat carpeting, cardains and other 11:17:34	18	11:3 a.m. at the end of media 1. 11:20:04
19	soft materials, have you seen testing to show that $-11:17:38$	19	(WHEREUPON, a short break was had,) = 11;31;54
20	these materials absorb ultrasound? (1:17)44	30	THE VIDEOGRAPHER: We are back on the record 11:31:54
21	A. It is understood that they would: 1 11:67:46	21	at JJ (25 a.m. with the beginning of media 2. 13:31:56
22	layen't seen specific tests of exactly the degree 11:17:50	22	BY MR. KOPEL: 11:31:56
23	Q. Okay. And do you suppose that effect 12:17:54	23	Q. Can you please tarn back to Exhibit 17 11:32:00
24	could be seen from a coucle? 11:17:56	24	There is no paragraph anothers or page numbers, but 11:22:06
	Page 70		Page 72
Ι.	. 7.07.1 3	Γ.	
	A. I thank what you'd really have to do is 11:18:00	1 1	TM Percenting fluc second to like last page of your - 11:32:10
- 1		2	6
2	to go to the physics of sound transfer and 11:18:04	2	report not including exhibits where you discess 11:32:12
3	to go to the physics of sound transfer and 11:18:04 ultrasonad at the professional experts' level, and 11:18:06		report not including exhibits where you discuss 11:32:12 your work with the Transparie Pro unit. 11:32:18
2 3 4	ro go to the physics of sound transfer and 11:18:04 ultrasonad at the professional experts' level, and 11:18:06 I think they've tested the sound absorptions of 11:38:10	2 3 4	report not including exhibits where you discuss 11:32:12  your work with the Transpaic Promain 11:32:18  A. Okay. 11:50:22
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2 2 3 3 4 4 5 5 6 6 7 7 8 9 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	ro go to the physics of sound transfer and 11:18:04  ultrasonad at the professional experts' level, and 11:18:06  I think they've tested the sound absorptions of 11:38:10  everything you can imagine, but I've not gone to 11:18:12  those references for this. J1:58:14  Q. Okay. What about the shadow areas, can 11:18:J6  you please explain what that is? 13:18:28  A. A shadow area is sometaing which has 11:18:32  those areas to document its actual existence to the 11:18:34  hest of my knowledge. In my own studies, Thave a 11:18:38  shadow area which should be opaque to ultrasound at 11:18:42  the top of my stairs. 11.J8:46  Q. I'm really sorry to interrupt you. I (1:18:50)  just want to take a step back. Can you just define (1:18:50)  just want to take a step back. Can you just define (1:18:56)  A. A shadow area is an area where the 11:18:56  presence of objects between you and it reduces the 11:18:58  volume of the sound. 11:19:02  Q. Could that be like a corner in a wall, 11:19:04  for instance? 11:19:08  A. Yeah, exactly, a corner in a wall or a 11:19:08	2 3 4 5 6 7 8 9 50 51 15 16 17 18 10 20 21 22 23	report not including exhibits where you discuss 11:32:12  your work with the Transpair Pro usit. 11:32:18  A. Okay. 11:50:32  Q. in the middle of the paragraph, there is 12:32:26  a sentence starting with the words "the first 11:32:36  A. Second paragraph, you said? 11:32:34  Q. The first paragraph on the page. So 11:32:36  this was the same page where we talked about the 11:32:42  non-peer-reviewed publications. 11:32:44  MR. OSTORC: It's the torth line down maybe. 11:32:48  THE WITNESS: Before the actus? studies? 11:33:14  MR. OSTORC: Right 11:33:32  THE WITNESS: Got it. 11:33:32  BY MR. KOPTE: 11:33:32  Q. Do you see that? 11:33:34  Q. So the sectonee reads, "The first year 11:33:34  the sound tank was present lon oof turned on in the 11:33:36  back hall of the house. The second year it was on 11:33:38  und producing eltresounds as low as volume 11:33:40  setting," do you see that? 11:33:44
2 2 3 3 4 4 5 5 6 6 7 7 8 9 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to go to the physics of sound transfer and 11:18:04  ultrasonad at the professional experts' level, and 11:18:06  I think they've tested the sound absorptions of 11:38:10  everything you can imagine, but I've rost gone to 11:18:12  those references for this. J1:38:14  Q. Okay. What about the shadow areas, can 11:18:16  you please explain what that is? 11:18:28  A. A shadow area is sometaing which has 11:18:28  been talked about, but they haven't put anything in 11:18:32 those areas to document its actual existence to the 11:18:34 hest of my knowledge. In my own studies, Thave a 11:18:38 shadow area which should be opaque to ultrasound at 11:18:42 the top of my stairs. 11.38:46  Q. I'm really sorry to interrupt year. I 11:18:50 just want to take a step back. Can you just define 11:18:56 presence of objects between you and it reduces the 11:18:58 volume of the social. 11:19:02 Q. Could that be like a corner in a wall, 11:19:04 for instance? 11:19:04	2 3 4 5 6 7 8 9 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22	report not including exhibits where you discuss 11:32:12  your work with the Transpair Pro unit. 11:32:18  A. Okay. 11:52:22  Q. in the middle of the paragraph, there is 12:32:26  a sentence starting with the words "the first 11:32:36  A. Second paragraph, you said? 11:32:34  Q. The first paragraph on the page. So 11:32:36  this was the same page where we talked about the 11:32:42  non-peer-reviewed publications, 11:32:44  MR. OSTORC: It's the tooth line down maybe. 11:32:48  THE WITNESS: Before the actust studies? 11:33:14  MR. OSTORC: Right 11:33:36  THE WITNESS: Got ii. 11:33:32  Q. Do you see that? 11:33:32  A. Yes. 11:33:34  Q. So the acutone reads, "The first year 11:33:34  the sound unit was present long of turned on in the 11:33:36  back hall of the house. The second year it was on 11:33:38  und producing altrasounds as low as volume 11:33:34

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ļ.	Q. Oksy. Can you please flip to the 11:33:48	1	MR, OSTOJIC: Next page of which Exhibit? 11:37:18
2	Transome Pro mice study, and Pm going to be 11:33:50	2	MR, KOPRD: Sure. We're still on Exhibit 1 ip. 11(87)20
. 3	referencing the abstract section, please? 11:03:58	3	the Transonic Pro study. 11:37:22
4	A. Okay. 11:34:06	4	THE WITNESS: Yeah. \$1:37:26
5	Q This looks like it might be the 15:34.10	5	MR. OSTOJIC: After the abstract? 11:37:26
6	second seriouse starts with the word test, do you = 17:34:12	6	MR. KOPEL: Correct, yes. 11:37:28
7	see that? 31:34:16	7	MR. OSTOJIC: Okay, I got it. 13:37:28
8	A. Yes. 11:34:18	6	DY MR. KOPEL: 11:37:28
; 9	Q. Oh, actually, the third sentence starts = 11:34:22	9	Q By the way, is this whole thing called 11:37:30
10	with the word test also, serry. "Test used one 11:34:26	10	air abstract or just that first portion, that's 11:37:32
11	Transonic Pro in the back nail/entry. Dates 2 of 11:34:28	ш	called the abstract? 11:37.34
12	August 5 December in both 2009 and 2010 with the 11:34:32	12	A. The first portion is the abstract. Once 13:37:36
13	ultrasonic with the altrasonal unit set to on in 151(34.38)	13	you get the monduction, you're pust the abstract. 11:37:36
14	2009 and to off in 2010," To you see that? 11:34:42	14	The abstract summunzes as briefly as possible the 11:37:40
15	A. Yeah, Lohviously reversed that in my 11:34:50	: 15	entire content of the paper so somebody can look at 131:37:42
16	writing here. \$11:34:56	16	it and decide whether they need to read the whole 11:37:46
17	Q. Can you please look at Exhibit 2 real 11:35:26	17	thing or not. 11:37:50
18	quick? Keep everything else handy. You oun keep 11:35:28	18	Q. So the first paragraph after 11:37:56
19	it open to the page actually with the study. Can 11:35:32	(9	methods and here's a long paragraph 15:37:58
20	you look at Exhibit 2 on page 12? 11:35:34	20	again. 8t reads, "Rather than use an oppartural 11:38:02
21	A. Page 12. 11:35:54	. 21	lab-based testing using Plexiglas cuclosures and 11:38:04
22	Q. Middle of the third paragraph, those is 11(35)58	: 22	confined trace populations, I chose to use free 10:38:08
23	a settleree starting, "Fremoved," \$11:36:02	23	natural populations of mice as in test designs 11:38:12
24	A. Yes, I've obviously in writing up that 11:36:06	24	previously used to test efficacy of sound devices 15:38:14
	Page 74		Page 76
		1	
- 1	interesticated the two years in terms of which was on 11:36:10	1 1	against the Norway rat. Rattus norveyious. Ashton 11:38:18
	manaposed the two years in remis of which was on 11:36:10 and which was off. 11:36:14	1	against the Norway rat, Rattus norvegicus, Ashton 11:38:18  1999. I feel such real world tests on free 11:38:22
	and which was off, 11:36:14	2	1999. I feel such real world tests on free 11:38:22
. 3	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14	2	1999. If feel such real world tests on free 11:38:22 populations produce far more valid results than 11:38:28
, , , 4	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those entreet, or is the 11:36:20	2 3 4	1999. If feel such real world tests on free 11:38:22  populations produce far more valid results than 11:38:28  artifical enclosure studies based on my 35 years 11:38:30
, 3 4 5	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those correct, or is the 11:36:20  A. The sharact will definitely be telling 11:36:22	2 3 4 5	1999. I feel such real world tests on fiec 11:38:22  populations produce far mere valid results than 11:38:28  artifical enclosure stadies based on my 35 years 11:38:30  field experience doing research in natural settings 11:38:34
7 3 4 5	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those correct, or is the 11:36:20  A. The shatract will definitely be telling 11:36:22  n correctly. 11:36:24	2 3 4 5 6	1999. I feel such roal world tests on fied 11:38:22  populations produce far more valid results than 11:38:28  artifical enclosure studies based on my 35 years 11:38:30  field experience doing research in natural settings 11:38:34  as a Ph.D in ethology Equipment efficacy is best 31:38:38
2 3 4 5 6 7	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those correct, or is the 11:36:20  A. The sharact will definitely be telling 11:36:22  it correctly. 11:36:24  Q. Abstract is correct, ckay. So the year 11:36:26	2 3 4 5 6 7	1999. I feel such real world tests on free 11:38:22  populations produce far more valid results than 11:38:28  artifical enclosure studies based on my 35 years 11:38:30  field experience doing research in natural settings 11:38:34  as a Ph.D in ethology. Equipment efficacy is best 21:38:38  lested in a patabal environment for any species for 11:38:42
3 4 5 0 7	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those entreet, or is the 11:36:20  A. The sharact will definitely be telling 11:36:22  It correctly. 11:36:24  Q. Abstract is correct, okay. So the year 11:36:26  that it was on was 2009, the year it was off was 11:36:26	2 3 4 5 6 7 8	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in natural settings 11:38:34 as a PhD in ethology. Equipment efficacy is best 11:38:38 lessed in a patical environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:46
3 4 5 6 7 8	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those correct, or is the 11:36:20  A. The shatract will definitely be telling 11:36:22 in correctly. 11:36:24  Q. Abstract is correct, ckay. So the year 11:36:26 that it was on was 2009, the year it was off was 11:36:26 2010, right, okay. 11:36:30	2 3 4 5 6 7 8	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in natural settings 11:38:34 as a Ph.D in ethology. Equipment efficacy is best 11:38:38 tested in a patient environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:48.
3 4 5 6 7 8 9	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those entroot, or is the 11:36:20  A. The shatract will definitely be telling 11:36:22 in correctly. 11:36:24  Q. Abstract is correct, clary. So the year 11:36:26 that it was on was 2009, the year it was off was 11:36:26  2010, right, okay. 11:36:30  Cat you phase take a look at the 11:36:32	2 3 4 5 6 7 8 9	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in natural settings 11:38:34 as a PhD in ethology. Equipment efficacy is best 31:38:38 lested in a particular environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:48 likely to be witnessed in such settings than in 11:38:48 unfamiliar autroundings. This same principle of 11:38:52
3 4 5 6 7 8 9	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those correct, or is the 11:36:20  A. The shatract will definitely be telling 11:36:22  It correctly. 11:36:24  Q. Abstract is correct, okay. So the year 11:36:26  that it was on was 2009, the year it was off was 11:36:26  2010, right, okay. 11:36:30  Cau you please take a look at the 11:36:32  enothods section, so it's the next page? 11:36:34	2 3 4 5 6 7 8 9 10	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in natural settings 11:38:34 as a Ph.D in ethology. Equipment efficacy is best 11:38:38 lessed in a paramal environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:48 likely to be witnessed in such settings than in 11:38:48 unfamiliar surroundings. This same principle of 11:38:52 lessing in natural settings has also been strongly 11:38:54
3 4 5 6 7 8 9 10 11	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those correct, or is the 11:36:20  A. The shatract will definitely be telling 11:36:22 in correctly. 11:36:24  Q. Abstract is correct, ekay. So the year 11:36:26 that it was on was 2009, the year it was off was 11:36:26 2010, right, okay. 11:36:30  Cau you picase take a look at the (1:36:32) enothods section, so it's the next page? 11:36:34  A. Yeak, 2009 it was off, 2010 it was on, 11:36:38	2 3 4 5 6 7 8 9 10	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in natural settings 11:38:34 as a PhD in ethology. Equipment efficacy is best 11:38:38 tested in a testings environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:48 unfamiliar surroundings. This same principle of 11:38:52 testing in natural settings has also been strongly 11:38:54 advocated for in print (Beck and Stein 1979) 11:38:56
2 3 4 5 6 7 8 9 10 11 12	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those entroot, or is the 11:36:20  A. The shatract will definitely be telling 11:36:22 in correctly. 11:36:24  Q. Abstract is correct, clary. So the year 11:36:26 that it was on was 2009, the year it was off was 11:36:26  2010, right, okay. 11:36:30  Cau you please take a look at the 11:36:32 enothods section, so it's the next page? 11:36:34  A. Yeak, 2009 it was off, 2010 it was on, 11:36:38 that's correct, that's in the abstract. 11:36:46	2 3 4 5 6 7 8 9 10 11 12 13	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in natural settings 11:38:34 as a Ph.D in ethology. Equipment efficacy is best 11:38:38 tested in a patient environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:48 likely to be witnessed in such settings than in 11:38:48 unfamiliar autroundings. This same principle of 11:38:52 testing in natural settings has also been scrongly 11:38:54 advocated for in print (Beck and Stein 1979) 11:38:56 expressiy as a means of obtaining the most valid. 11:39:00
2 3 4 5 6 7 8 9 20 31 12 13	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those entreet, or is the 11:36:20  A. The shatract will definitely be telling 11:36:22 in correctly. 11:36:24  Q. Abstract is correct, okay. So the year 11:36:26 that it was on was 2009, the year it was off was 11:36:26  2010, right, okay. 11:36:30  Cao you please take a look at the 11:36:32 enothods section, so it's the next page? 11:36:34  A. Yeak, 2009 it was off, 2010 it was on, 11:36:38 that's correct, that's in the abstract. 11:36:46  Q. Okay. If there is any inconsistencies 13:36:48	2 3 4 5 6 7 8 9 10 11 12 13 14	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in matural settings 11:38:34 as a Ph.D. in ethology. Equipment efficacy is best 31:38:38 lested in a particul environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:46 likely to be witnessed in such seatings than in 11:38:48 unifamiliar autroundings. This same principle of 11:38:52 testing in natural settings has also been surougly 11:38:54 advocated for in print (Beck and Stein 1979) 1:38:56 expressiy as a means of obtaining the most valid 11:39:00 results of new equipment to be tested in repelling 11:39:04
2 3 4 5 5 6 7 8 8 9 10 11 12 13 14 15	and which was off, 11:36:14  Q. So which one is correct? Exhibit 1 and 11:36:14  2, are those correct, or is the 11:36:20  A. The sharact will definitely be telling 11:36:22 in correctly. 11:36:24  Q. Abstract is correct, okay. So the year 11:36:26 that it was on was 2009, the year it was off was 11:36:26  2010, right, okay. 11:36:30  Cau you phase take a look at the 11:36:32 enothods section, so it's the next page? 11:36:34  A. Yeak, 2009 it was off, 2010 it was on, 11:36:38 that's correct, that's in the abstract. 11:36:46  Q. Okay. If there is any inconsistencies 13:36:48 between — 11:36:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15	populations produce far more valid results than 11:38:28 artifical enclosure studies based on my 35 years 11:38:30 field experience doing research in natural settings 11:38:34 as a Ph.D in ethology. Equipment efficacy is best 31:38:38 lessed in a pational environment for any species for 11:38:42 normal responses to novel stimuli are far more 11:38:48 unfamiliar surroundings. This same principle of 11:38:54 unfamiliar surroundings. This same principle of 11:38:54 unfamiliar surroundings has also been scrongly 11:38:56 expressiy as a means of obtaining the most valid. 11:39:00 results of new equipment to be tested in repelling 11:39:04 verobrate rests," Did J read that consently? 11:39:06
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1			
1	BY MR. KOPEL: 11:39:40	1	environment in which tests are done, and they can = i1:42:18
: 2	Q.—Is that a yes? 11:39:40		lead to valid results if you have set up proper 11:42:20
3	A. I'd have to hear the question again to 15:39:42	3	design end allowed the animals time to adapt 11:42.24
4	be sure exactly, 11:39:44	4	BY MR, KOPEL: 11/42:28
5	Q. J'f) say ir again, no problem. Do you 11:39:46	- 5	Q. Bur those results would be less valid 11:42:28
6	bolieve that a test using Plexiglus enclosures and -11:39:48	6	than real world tests, correct? 11:42:32
7	confined mause populations would constitute 11:39:50	7	MR. OSTOJIC: Object to form. 11:42:34
8	unnatural lab-based testing? 11:39:52	S	BY THE WITNESS: 11:42:36
9	<ul> <li>A. Versus the alternative, yes. 11(40.02)</li> </ul>	ŋ	A. I prefer to see real world, but they are 11:42:36
10	Q. Now, here you say that, "I feel such 11:40:22	10	probably less than 1 or 2 percent of all the tests 11:42:42
11	real world tests of free populations produce for 11:40:24	11	reported or done. 11:42:46
12	more valid results than antificial enclosure 11:40:28	12	DY MIC KOPEL: 11(42)48
13	studies," do you see that? 11:40:30	13	Q Why is that? 11:42:48
14	A. Yes. 11:40:32	14	A. Bucause it's so difficult to do if you 10:42:48
15	Q. What do you mean by far more valid 11:40:32	15	ñρ/f have them enclosed where you can see them. 11:42:52
16	results? 11:40:40	16	Most researchers want them on the campus in a room - 11:42:54
17	A. Well, when you have an animal in an 11340:42	17	next to their office, you don't have to go out. My 11:42:58
18	artificial environment, the things that you record - 17.40:46	18	research has caused me to drive 120 to 150 miles a 11:43:04
19	and see may be a reaction to things in that 11:40:50	19	day to curry on in-field observations of animals 11:43-08
20	artificial environment, an transmissi environment, 11:40:54	20	from sumise to sunset on aumorous occasions. We 11(43:10
21	so you aren't measuring the effect of 11:40:58	23	not convenient. 15343(14)
22	the equipment. Yim can be measuring how much dues $-11;\!41;\!02$	22	Q. When testing mice or rats inside of 11:43:18
23	being put in a strange environment affect your 11:41:06	l	Plexiglas erclosures and with confined populations, 11:43:24
24	hehavier. Heruid give you'z good analogy. 11:40:10 Page 78	24	do you believe that the mice or rats would possibly 11:43:42
	tage of		Page 80
		l	
1	Q. Go shead. 11:41:12	)	gener differently to the equipment than they would 11:43:48
J 2	Q. Go shead. 11:41:12 A. Do you want to conflict the difference 11:41:14		gener differently to the equipment than they would 11:43:48  ig read world environments? 11:43:50
2			**
3	A. Do you want to conflict the difference 11:41:24	2	ig.:col world environments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52
3 4	A. Do you want to conflict the difference 11:41:34 hetween being at a party with a whole bunch of (J:41:38)	3 4	igeresè world devironments? 11:43:50 MR. OSTOJIC: Object to form, foundation, 11:43:52
3 4 5	A. On you want to conflict the difference 11:41:34  hetween heing at a party with a whole bunch of (1:41:38)  friends or being the person that goes into the 31:41:20	3 4	i)( ::::::::::::::::::::::::::::::::::::
2 3 4 5	A. On you want to conflict the difference 11:41:24  hetween being at a party with a whole bunch of (J:41:38) friends or being the person that goes into the 21:41:20 hasement to find out what's reaking that courseal 11:41:22	3 4 5	in seak world devironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58
3 4 5 6	A. On you want to conflict the difference 11:41:24  hetween being at a party with a whole bunch of (1:41:38) fitiends or being the person that goes into the 11:41:20  hesoment to find out what's making that oursual 11:41:22 noise? You know, if you're the one goes in the 11:41:24	2 3 4 5 6	in read world cavironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that faul test situation 11:43:58
2 3 4 5 6 7 . 8	A. Do you want to conflict the difference 11:41:14 hetween being at a party with a whole bunch of (1:41:38 fitiends or being the person that gues into the 11:41:20 hesoment to find out what's making that occasion 11:41:22 noise? You know, if you're the one goes in the 11:41:24 basement, the artificial scary covitorment, your 11:41:26	. 2 3 4 5 6 7 8	in read world devironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that faul test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:04 you're doing because you've eliminated all the 11:44:08
2 3 4 5 6 7 . 8	A. Do you want to conflict the difference 11:41:14 hetween being at a party with a whole bunch of (J:41:38) friends or being the person that goes into the 21:41:20 hasement to find out what's reaking that courson 11:41:22 noise? You know, if you're the one goes in the 11:41:24 basement, the artificial scary covironment, your 15:41:26 responses will be very different, your behaviors 11:41:32	5 6 7 8 9	in read world devironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that faul test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08
2 3 4 5 6 7 . §	A. On you want to conflict the difference 11:41:14 hetween being at a party with a whole bunch of (J:41:18 fitiends or being the person that goes into the 11:41:20 hesement to find out whal's reaking that outsoal 11:41:22 noise? You know, if you're the one goes in the 11:41:24 hisement, the artificial scary crivingment, your 11:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34	5 6 7 8 9	in reak world cavironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that that test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:04 you're doing because you've eliminated all the 11:44:08 other distractions, sources of crook so if you do 11:44:10
2 3 4 5 6 7 8	A. Do you want to conflict the difference 11:41:14 hetween being at a party with a whole bunch of (1:41:38 friends or being the person that goes into the 11:41:20 hesement to find out what's making that occasion 10:41:22 noise? You know, if you're the one goes in the 11:41:24 hasement, the artificial scary conviconment, your 11:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34 And so take it out of the natural 11:41:36 environment, throw them in a completely strange 11:41:38	5 6 7 8 9 10	increase would convironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that that test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error, so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16
3 4 5 6 7 8 9	A. On you want to conflict the difference 11:41:24  hetween being at a party with a whole bunch of (J:41:38) fitiends or being the person that goes into the 21:41:20  besoment to find out whal's making that outsoal 11:41:22  neise? You know, if you're the one goes in the 11:41:24  basement, the artificial scary covincement, your 13:41:26  responses will be very different, your behaviors 11:41:32  will be very different, 11:41:34  And so take it out of the natural 11:41:36  environment, throw them in a completely strange 11:41:38  environment, you know, it's trying to figure out 11:41:40	3 4 5 6 7 8 9 10	increase would convironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that that test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of crior; so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, num on a 11:44:20 sound unit or any other thing to make peats go 11:44:24 away, you're measuring the effect only of that 11:44:28
2 3 4 5 6 7 . \$ 9 J0	A. Do you want to conflict the difference 11:41:34 hetween being at a party with a whole bunch of (1:41:38 fitiends or being the person that goes into the 11:41:20 hasement to find out what's making that outstard 11:41:22 noise? You know, if you're the one goes is the 11:41:24 basement, the artificial scary covincament, your 11:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34 And so take it out of the natural 11:41:36 environment, throw them in a completely strange 11:41:38 environment, you know, it's trying to figure out 11:41:40 what the hell am I doing here, what are these 11:41:44	3 4 5 6 7 8 9 10 11 12	incomplete hypothetical, but go ahead. 11:43:52 incomplete hypothetical, but go ahead. 11:43:54 BY THE WITNESS: 11:43:58 A. I would say that that test situation 11:43:58 allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of crior, so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, rurn on a 11:44:20 sound unit or any other thing to make pests go 11:44:24
2 3 4 5 6 7 . \$ . 9 . 10 . 11 . 12 . 13	A. Do you want to conflict the difference 11:41:14  hetween being at a party with a whole bunch of (1:41:18 filiends or being the person that gues into the 31:41:20 besoment to find out whal's making that outsood 11:41:24 hosement, the artificial scary environment, your 11:41:24 besoment, the artificial scary environment, your 11:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34 And so take it out of the natural 11:41:36 environment, throw them in a completely strange 11:41:38 environment, you know, it's trying to figure out 11:41:40 what the bell unit doing here, what are those 11:41:46 makes sense. 11:41:50	3 4 5 6 7 8 9 10 11 12 13	incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that that test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08  other distractions, sources of croops of you do 11:44:10 in with the two sides should be animals to it, rum on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28
2 3 4 4 5 6 6 7 7 . \$ 9 10 11 12 13 14	A. Do you want to conflict the difference 11:41:24 hetween being at a party with a whole bunch of (1:41:38 fitiends or being the person that gues into the 31:41:20 hesoment to find out what's making that outsood 11:41:22 noise? You know, if you're the one goes in the 11:41:24 hasement, the artificial scary environment, your 15:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34 And so take it out of the natural 11:41:36 environment, throw them in a completely strange 11:41:38 environment, you know, it's trying to figure out 11:41:40 what the hell am I doing here, what are these 11:41:46 smells, what are these sounds, nothing around me 11:41:46	2 3 4 5 6 7 8 9 10 11 12 13 14	increase would convironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that that test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error, so if you do 11:44:10 in with the two sides shanlately equal from the 11:44:16 heginning and expose the animals to it, turn on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, 15: 11:44:30
2 3 4 4 5 6 7 7 . 8 9 JO 11 12 13 14 15	A. Do you want to conflict the difference 11:41:14  hetween being at a party with a whole bunch of (1:41:18 filiends or being the person that gues into the 31:41:20 besoment to find out whal's making that outsood 11:41:24 hosement, the artificial scary environment, your 11:41:24 besoment, the artificial scary environment, your 11:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34 And so take it out of the natural 11:41:36 environment, throw them in a completely strange 11:41:38 environment, you know, it's trying to figure out 11:41:40 what the bell unit doing here, what are those 11:41:46 makes sense. 11:41:50	3 4 5 6 7 8 9 10 11 12 13 14 15	increase would convironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that final test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error; so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, rum on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, Y 11:44:30 gets rid of confounding sources of error, 11:44:34  BY MR. KOPEL: 1: 44:38  Q. What are the disadvantages to using 11:44:58
2 3 4 4 5 6 7 7 8 9 J0 III 12 13 14 15 16	A. Do you want to conflict the difference 11:41:14  hetween being at a party with a whole bunch of (1:41:38 friends or being the person that goes into the 11:41:20  besoment to find out what's making that occasion 10:41:22  noise? You know, if you're the one goes in the 11:41:24  basement, the artificial scary conviconment, your 11:41:32  will be very different, your behaviors 11:41:32  will be very different, 11:41:34  And so take it out of the natural 11:41:36  environment, throw them in a completely strange 11:41:40  what the hell am I doing here, what are these 11:41:40  makes sense. 11:41:50  Q. So based on that, would you say that 11:41:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	increase would devironments?  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that had test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error; so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, turn on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, it 11:44:30 gets rid of confounding sources of error. 11:44:34  BY MR. KOPEL: 11:44:38
2 3 4 5 6 7 7 8 9 100 11 12 13 14 15 16 17	A. Do you want to conflict the difference	2 3 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17	increase would convironments? 11:43:50  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that final test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error; so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, rum on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, Y 11:44:30 gets rid of confounding sources of error, 11:44:34  BY MR. KOPEL: 1: 44:38  Q. What are the disadvantages to using 11:44:58
2 3 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18	A. Do you want to conflict the difference   11:41:14   hetween being at a party with a whole bunch of   (1:41:18   filiends or being the person that gues into the   11:41:20   hasoment to find out what's making that outsood   11:41:22   heise? You know, if you're the one goes in the   11:41:24   hasement, the artificial scary covironment, your   11:41:26   responses will be very different, your behaviors   11:41:32   will be very different, your behaviors   11:41:34   And so take it out of the natural   11:41:36   environment, throw them in a completely strange   11:41:38   environment, you know, it's trying to figure out   11:41:40   what the hell am I doing here, what are these   11:41:40   makes sense.   11:41:50   Q. So based on that, would you say that   11:41:50   lests conducted in manatural lab-based environments   11:41:54   are let me rephrase.   11:42:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	increase would devironments?  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that had test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error; so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, turn on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, it 11:44:30 gets rid of confounding sources of error. 11:44:34  BY MR. KOPEL: 1: 44:38  Q. What are the disadvantages to using 11:44:44 populations? 11:44:46  A. As long as you keep the mouse numbers at 11:44:48
2 3 4 5 6 6 7 7 8 9 J0 11 12 13 14 15 16 17 18 19	A. Do you want to conflict the difference 11:41:14 hetween being at a party with a whole bunch of (1:41:38 filiends or being the person that gues into the 31:41:20 hesoment to find out whal's making that outsood 11:41:24 hosement, the artificial scary environment, your 11:41:24 hosement, the artificial scary environment, your 11:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34 And so take it out of the natural 11:41:36 environment, throw them in a completely strange 11:41:38 environment, you know, it's trying to figure out 11:41:40 what the hell am t doing here, what are those 11:41:40 what the hell am t doing here, what are those 11:41:40 makes sense. 11:41:50 Q. So based on that, would you say that 11:41:50 lests conducted in nanatural lab-based environments 11:41:54 are let me rephrase. 11:42:00 Would you say that it is difficult to 11:42:04	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	increase would devironments?  MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54  BY THE WITNESS: 11:43:58  A. I would say that faul test situation 11:43:58  allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error; so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, turn on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, it 11:44:30 gets rid of confounding sources of error. 11:44:34  BY MR. KOPEL: 1: 44:38  Q. What are the disadvantages in using 11:44:44  populations? 11:44:46  A. As long as you keep the mouse numbers at 11:44:50
2 3 4 4 5 6 6 7 7 8 9 JO 11 12 13 14 15 16 17 18 19 20	A. Do you want to conflict the difference 11:41:14 hetween being at a party with a whole bunch of (1:41:38 friends or being the person that goes into the 31:41:20 hescement to find out whal's making that occasion 11:41:22 noise? You know, if you're the one goes in the 11:41:24 hescement, the artificial scary continuousner, your 11:41:26 responses will be very different, your behaviors 11:41:32 will be very different, 11:41:34 And so take it out of the natural 11:41:36 environment, throw them in a completely strange 11:41:38 environment, you know, it's trying to figore out 11:41:40 what the hell am I doing here, what are these 11:41:40 makes sense. 11:41:50 Q. So based on that, would you say that 11:41:54 are—left me rephrase. 11:42:06 Would you say that it is difficult to 11:42:04 make real world conclusions based on tests 11:42:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 22	incomplete hypothetical, but go ahead. 11:43:54 BY THE WITNESS: 11:43:58 A. I would say that that test situation 11:43:58 allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error, so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:10 in with the two sides absolutely equal from the 11:44:10 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, 1/2, 1/2, 1/2, 1/2, 1/2, 1/2, 1/2, 1/2
2 3 4 4 5 6 6 7 8 9 100 111 122 133 144 155 166 177 188 199 200 21	A. Do you want to conflict the difference   11:41:14  hetween being at a party with a whole bunch of   (1):41:18  fitiends or being the person that goes into the   11:41:20  basement to find out what's making that outstand   11:41:22  noise? You know, if you're the one goes is the   11:41:24  basement, the artificial scary environment, your   15:41:26  responses will be very different, your behaviors   11:41:32  will be very different,   11:41:34  And so take it out of the natural   11:41:36  environment, throw them in a completely strange   11:41:36  environment, you know, it's trying to figore out   11:41:40  what the hell am I doing here, what are these   11:41:40  makes sense.   11:41:50  Q. So based on that, would you say that   11:41:50  lests conducted in nanatural lab-based environments   11:42:04  make real world conclusions based on tests   11:42:06  conducted in unnatural lab-based environments?   11:42:10	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 22 23	MR. OSTOJIC: Object to form, foundation, 11:43:52 incomplete hypothetical, but go ahead. 11:43:54 BY THE WITNESS: 11:43:58 A. I would say that had test situation 11:43:58 allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error, so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:16 heginning and expose the animals to it, num on a 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that. If 11:44:30 gets rid of confounding sources of error. 11:44:34 BY MR. KOPEL: 1: 44:38 Q. What are the disadvantages to using 11:44:38 Plexigias enclosures and confined mouse 11:44:46 A. As long as you keep the mouse numbers at 11:44:48 a reasonable level, yes, they have some unmatural 11:44:50 behave a mess and you wou't be testing what you 11:45:02
2 2 3 4 5 6 6 7 7 8 9 JO 11 12 13 14 15 16 17 18 19 20 21 22	A. Do you want to conflict the difference   11:41:24 hetween being at a party with a whole bunch of   (1:41:38 filiends or being the person that gues into the   (1:41:20) hesoment to find out what's making that outsood   (1:41:24) hesoment, the artificial seary environment, your   (1:41:24) hesoment, the artificial seary environment, your   (1:41:26) responses will be very different, your behaviors   (11:41:32) will be very different, your behaviors   (11:41:34) And so take it out of the natural   (11:41:36) environment, throw them in a completely strange   (11:41:38) environment, you know, it's trying to figure out   (11:41:40) what the hell unit doing here, what are these   (11:41:40) what the hell unit doing here, what are these   (11:41:40) makes sense.   (11:41:50) Q. So based on that, would you say that   (11:41:50) lests conducted in manatural lab-based environments   (11:42:00) Would you say that it is difficult to   (11:42:04) make real world conclusions based on tests   (11:42:06) conducted in unnatural lab-besed environments?   (11:42:10) MR. OSTORIC: Object to form, Go shead.   (11:42:14)	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 22 23	incomplete hypothetical, but go ahead. 11:43:54 BY THE WITNESS: 11:43:58 A. I would say that that test situation 11:43:58 allows you to test the efficacy of the one thing 11:44:08 other distractions, sources of error, so if you do 11:44:10 in with the two sides absolutely equal from the 11:44:10 in with the two sides absolutely equal from the 11:44:10 sound unit or any other thing to make pests go 11:44:20 sound unit or any other thing to make pests go 11:44:24 away, you're measuring the effect only of that 11:44:28 action, so there is some reason to do that, 10:144:30 gets rid of confounding sources of error. 11:44:34 BY MR, KOPEL: 11:44:38 Q. What are the disadvantages to using 11:44:44 populations? 11:44:46 A. As long as you keep the mouse numbers at 11:44:48 a reasonable level, yes, they have some unnutural 11:44:50 behaviors. If you overgrowd them, you're going to 11:44:56

1		_	
1	count all the creatures which is an important part = 11:45:12	1	A. Plexiglas containers have corners. 11:47:34
2	of getting an answer. And in the case of anost 11:45:14	2	Q. Taclually misspoke. There is a 11:47:38
: 3	studies like that, psychiatry, you're taking the 11:45:20	3	possibility for sound shadows in people's homes 11:47:40
4	sats which have been used to being in metal cages = 11:45:24	4	whereas these would not be that possibility in a 31:47:44
- 5	in the back room and in Plexiglas for their whose 11:45:26	5	Piexiglas container, is that correct? 11,47;48
6	lives. The validity of those tests doesn't take 31:45:30	6	A. No, there is still possibilities for 11:47:48
7	into account strange surroundings as bringing in 11:45/36	7	sound shadows. It depends on how exactly you 15:47:50
, N	wild animals does, 11:45:40	6	
10	Q. Okey. So if you were to take wild 11:45:46	9	
10	unimals and confine them in Playiglas enclosures, 11:45:48	10	life by that big 11:48:00
11	that might affect their behavior the to the fact 11:45:56	1,	Q Right. 11:48:62
12	that likey are not used to such an environment, is 11:45:58	12	A. · · · you got a unit here, it's going to be 11:48:02
13	that correct? 11:46:04	13	affecting a postulauross that Plexiglas contained 11:48:06
14	A. It might, but if you put them in it a 11:46:04	!	which is at most this wide on the other side. 11:46:30
1.5	protest situation and find them to not being 11:46:06	: 15	These are shauld shadows over here and here. 11;48:14
- 1	behaving its abnormal ways, then it's valid to begin 11/46(10)	16	Q. Right. How narrow is it? 11:48:16
- 1	the rest. 11:46:16	17	A. It depends on exactly the size of the 11:48:18
18	Q. Okay. And as it pertains to the marner 11:46:16	18	-
19	in which people would typically use ultrasenic pest 15:46:20	: 19	
20	repellers, you wouldn't typically expert them to be 11:46:24	20	
2)	using them inside Plexiglas enclosures, would you? 11:46:26	21	-
22	A. You'd expect them in he using then) 11:46:30	22	,
23	within the design specifications and test 11:46:32	1	Q. Could an altresonic device would a 11:48:32
	specifications recommended. 11:46:36	1	single speaker ulfrasonie device broadcast – let 1 (:46:44
-'	Page 82		me rephrase. 11:48:50 Page 84
'	MR, KOPBL: Can you please repeat the 11:46:40		Would an ultrasonic device affect an 11:48:52
۱ ۲	question? 11;46.40	2	area behind it? 11:48:54
٠	(WEIEREUPON, the record was read 11:46:40	3	A. No. 11:48:56
4	as requested.) (4:46:40	4	Q. Would it affect the area immediately 11:48:56
5	BY THE WITNESS: 11:46:40	. 5	next to it? 11:49:00
6	A. I would not 91:46:58	6	A. Not at close range. 11:49:02
7	BY MR. KOPBL) 11:47:02	7	Q. How about underneath 9? 11:49:04
: 8	Q.—It would be reasonable to assume that — 11:47:02	X	A. No. 11:49:06
. 9	they would use them in their homes, correct? i 1:47:04	9	Q. And Plexiglas containers don't have 11:49:10
10	A. The purchasors? J1:47:08	10	furniture, correct? (1):49:12
11	Q. Yes. 11.47:10	11	A. Correct 11:49:14
12	A. Yes. 93:47:30	12	Q. And they don't have carpeting, correct? 11:49:14
13	Q. And people con't live in Plexigles 11:47:10	13	A. Yes, they do not have any furniture. \$4:49:18
14	containers, do they? 11:47:14	J4	Q. And furniture is something that could 11:49:26
15	A. Not exost of the ones I know. 11:47:16	15	affect the efficacy of ultrasonic devices, correct? 11:49:28
16	Q. And people's homes are far larger than 11:47:16	16	A. True. 11:49:32
17	Plexiglas containers, correct? (1:47:24)	17	Q. And Plexiglas containers do not 11:49:34
18	MR. OS POJIC: Object to form. 11:47:24	18	have I don't know if this was captured on the 11:49:36
19	BY THE WITNESS: 11:47:26	19	record earlier carpeting, correct? 11:49:40
20	A. Of course. 15:47;26	20	A. One assumes not. [1:49:40]
21	BY MR. KOPUL: 11(47)28	21	Q. And carpeting could affect the efficacy 11:49:42
22	Q. And people's homes have corners in them 11:47:28	22	of ultrasonic devices, is that correct? 11:49:46
23	as opposed to Plexiglas containers, is that \$1:47:32	23	A. Ycs. 11:49:48
24	onreet? 11:47:34	24	Q. Plexiglas containers do not contain 11:49:50
:	Page R3	-	Page 85

ı			
Ι'	heds, is that correct? 11.49(52)	1	wife some point in the 1980s decided to start 10.52912
2	A. Yes. 11:49:54	2	keeping accords of the mice captured throughout the 11:52:44
3	Q. And the presence of a hed in a room 11:49:56	3	year, so they are there. They are not absolutely 11:52:48
4	could affect the efficacy of an ultrasome device, 11:49:58	4	complete, but I mean facy're enough to say, yeah, 11:52:50
5	is that correct? 11:59:00	5	30 to 40 not a bad annual average for mouse caught, 11:52:54
б	A. Yes. 11:50:02	6	mice raught. J1;53;00
7	Q. Now, in this test as to the Transonic 11:50:02	7	Q. But the only year you reported here is 11:53:90
8	Pro, you were comparing the amount of trice you 11:50:24	8	2010 by comparison, correct? 11,53:02.
9	found in the year 2010 with the year of excuse 11.50(28	9	A Yes. 11:53:04
10	me, with the amount of mice you found in the year 11:50.32	JO	Q Asid why was it insportant to report the 11:53:04
11	2009, is that correct? 11:50:36	: []	
12	A. Right. 11:50:38	12	Recarse the number caught in 2010 with 11:53:10
13	Q. And in 2010 with the device off, you 11:50:38	13	
14	Found 32 mice, is that correct? 11:50:42	12	Q. The unit was off in 2010, 11:55:22
15	A. Yes. 11:50:44	1 15	A. Unit off. Yeah, so it was zero happed, 11:53:24
16	Q. And by 2009 with the device on you saw 11:50:44	16	yeah, they're both there. I'm not sure why we have: 11:53:30
	zero mice, is that correct? 11(50(48)	17	(we graphs in there, but, yes, the number trapped 11:53(38)
18	A. Correct 15.50;50	18	in 2010 with the unit off, that shouldn't that 11:53:42
19	Q. Why = 11:50:50	19	should be on the anit on, 2 needed to look at that 11:53:50
20	A. And if you look under the tomatoes 10:50:56		more closely, 11:53:54
	grawed, you'll find that the person who put these 11:51:00	2)	Q. Pm sorry, Pm confused, What year was 11:53:56
l	labels into the graph messed up. Those were both 11:51:00	l	die unit on? 11:53:58
	in different points in 2009. 11:51:64	23	
24	Q. Oh, Jaco, okay. But we're sure about 11:51:08		A. I hadn't gone back and looked at Siese 11:54:14 eppropriately.
2"	Page 86	27	Page 88
	2009 versus 2010? (1:51:12	'	Q.: Are you finding an exceed in there right: 11:54:38
2	A. On the tomatoes, yes. 11:55:12	-	now? 15:54:40
3	Q. Okay, good. So let's say the device had 11:51:16		
		3	A. I'm finding that the person who did 11:54:40
l	been off in 2009, how many mice would you have seen 11:51:20	4	these graphs was the secretary for Bird-X. $$11;54;42$$
5	in that year? 11:51:26	4 5	these graphs was the secretary for Bird-X. I1:54:42 Q. Okay. I1:54:48
5 6	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28	4 5 6	these graphs was the secretary for Bird-X.
5 6 7	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, I have no idea, but fac general 11:51:34	4 5 6 7	these graphs was the secretary for Bird-X. $11(54/42)$ Q. Okay. $11(54/48)$ A. And I had not caught her mistakes in the $11(54/48)$ beys. $11(54/52)$
5 6 7 8	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, I have no idea, but the general 11:51:34 numbers that I trapped in that farm house year by 11:51:36	4 5 6 7 R	these gruphs was the secretary for Bird-X.
5 6 7 <b>X</b> 9	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general 11:51:34 numbers that I dapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:49	4 5 6 7 8	these gruphs was the secretary for Bird-X.
5 6 7 <b>X</b> 9	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, I have no idea, but the general 11:51:34 numbers that I trapped in that farm house year by 11:51:36	4 5 6 7 8	these graphs was the secretary for Bird-X.
5 6 7 8 9	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general 11:51:34 numbers that I dapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:49	4 5 6 7 8 9	these gruphs was the secretary for Bird-X.
5 6 7 8 9	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general 11:51:34 numbers that I trapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:49 traps would have faller, into the range of 25 to 35 11:51:44	4 5 6 7 8 9	these graphs was the secretary for Bird-X.
5 6 7 8 9 10 11 12	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study. I have no idea, but the general 11:51:34 numbers that I trapped in that farm house year by 11:51:36 year since (960 when I took over emptying the mouse 11:51:49 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48	4 5 6 7 8 9 10	these graphs was the secretary for Bird-X.
5 6 7 8 9 10 11 12 13	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, I have no idea, but the general 11:51:34 matchers that I dapped in that farm house year by 11:51:36 year since (960 when I took over emptying the mouse 11:51:49 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50	4 5 6 7 R 9 10 11 12 13	Color
5 6 7 8 9 10 11 12 13	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 mambers that I trapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:49 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52	4 5 6 7 R 9 10 11 12 13	Color
5 6 7 8 9 10 11 12 13 14 15	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 numbers that I trapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:49 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 to 2009? 11:51:58	4 5 6 7 8 9 10 11 12 13 14	Color
5 6 7 8 9 10 11 12 13 14 15 16	in that year?  A. If it had been off in 2009? This is the 11:51:28 control study, I have no idea, but the general III:51:34 numbers that I trapped in that farm house year by III:51:36 year since (1960 when I took over emptying the mouse III:51:40 traps would have faller, into the range of 25 to 35 III:51:44 mice during the fall.  Q. Have you reported the numbers that you II:51:50 found year by year other than — at any point prior II:51:52 to 2009?  A. There is a citation about mouse earthing II:52:02	4 5 6 7 8 9 10 11 12 13 14 LS 16	these gruphs was the secretary for Bird-X.
5 6 7 8 9 10 11 12 13 14 15 16 17	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 numbers that I dapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:40 traps would have fallen into the range of 25 to 35 11:51:44 traice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 to 2009? 11:51:58  A. There is a estation about mouse catching 11:52:02 by catching by Bloc Jays which just covered a 11:52:06	4 5 6 7 8 9 10 11 12 13 14 LS 16	Color
5 6 7 8 9 10 11 12 13 14 15 16 17 18	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 mambers that I supped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:40 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 to 2009? 11:51:58  A. There is a citation about mouse catching 11:52:02 hy catching by Bloc Jays which just covered a 11:52:06 Efficient in the property of the week of JJ:52:10	4 5 6 7 8 9 10 11 12 13 14 15 15 17	Q. Okay.   11.54:48     A. And I had not caught her mistakes in the   11.54:48     beys.   11:54:52     Q. I see. Who drafted this report?   11:54:52     A. I drafted the entire report, but she did   11:54:56     the graphics. My computer skills don't renk at the   11:55:00     top.   (11:55:04     Q. Okay.   11:55:04     A. And she was the one who put together file   11:55:06     poster with the pictures and the other things.   01:55:08     Q. Yes   11:55:10     A. And finally a think that she messed up   11:55:12     on the information that went with it.   11:55:16
5 6 7 8 9 10 11 12 13 14 15 16 17 18	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 mambers that I diapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:49 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 m 2009? 11:51:58  A. There is a citation about mouse eatching 11:52:02 hy catching by Bloc Jays which just covered a 11:52:06 Fittle hit. I mean we went home for the week of JJ:52:10 Christmas, and I've forgotten whether it was 8 or 1:52:14	4 5 6 7 8 9 10 11 12 13 14 15 15 17 18	Q. Okay.   11.54:48     A. And I had not caught her mistakes in the   11.54:48     beys.   11.54:52     Q. I see, Who drafted this report?   11:54:52     A. I drafted the cotice report, but she that   11:54:56     the graphies. My computer skills don't reak at the   11:55:00     top.   (1:55:04     Q. Okay.   11:55:04     A. And she was the one who pur together fee   11:35:06     poster with the pictures and the other things.   (1:55:08     Q. Yes   11:55:10     A. And Grafty 3 think that she mossed up   11:55:16     Q. So what's incorrect in this graph, and   11:55:16
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	in that year?  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 numbers that I diapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:40 traps would have faller, into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 to 2009? 11:51:58  A. There is a citation about mouse earthing 11:52:02 hy catching by Blue Jays which just covered a 11:52:06 Ettle hit. I mean we went home for the week of JJ:52:14 Christmas, and I've forgotten whether it was 8 or 11:52:14 10 mice that I took out and put in the backyard in 11:52:16	4 5 6 7 8 9 10 11 12 13 14 15 17 18 19	Color   Colo
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 mambers that I dapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:36 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 to 2009? 11:51:58  A. There is a citation about mouse eatthing 11:52:02 hy catching by Blue Jays which just covered a 11:52:06 Ettle hit. I mean we went home for the week of JJ:52:10 Christmas, and I've forgotten whether it was 8 or 11:52:14 10 mice that I took out and put in the backyard in 11:52:16 that few days in the snow and was carrious where 11:52:20	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	these graphs was the secretary for Bird-X. 11;54:42  Q. Okay. 11:54;48  A. And I had not caught her mistakes in the 11:54;48 keys. 11:54:52  Q. I sec., Who drafted this report? 11:54:50  A. I drafted the entire report, but she did 11:54:56 the graphics. My computed skills don't reak at the 11:55:00 top. (1:55:04  Q. Okay. 11:55:04  A. And she was the one who put together file 11:55:06 poster with the pictures and the other things. 11:55:08  Q. Yes 11:55:10  A. And finally 3 think that she messed up 11:55:16  Q. So what's incorrect in this graph, and 11:55:16 I'm referring to Figure 2 right now? 11:55:18  A. Mice trapped with the mail off 11:55:24
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 mambers that I capped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:40 traps would have fallen into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 to 2009? 11:51:58  A. There is a citation about mouse catching 11:52:02 hy catching by Bloc Jays which just covered a 11:52:06 Ettle hit. I mean we went home for the week of JJ:52:10 Christmas, and I've forgotten whether it was 8 or 11:52:14 10 mice that I took out and put in the backyard in 11:52:16 that few days in the snow and was carious where 11:52:20 they went and wuched until I finally found the 11:52:24	4 4 5 6 7 8 9 10 11 12 13 14 15 17 18 19 20 21	Color
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	in that year? 11:51:26  A. If it had been off in 2009? This is the 11:51:28 control study, J have no idea, but the general JJ:51:34 mambers that I diapped in that farm house year by 11:51:36 year since 1960 when I took over emptying the mouse 11:51:49 traps would have faller into the range of 25 to 35 11:51:44 mice during the fall. 11:51:48  Q. Have you reported the numbers that you 11:51:50 found year by year other than — at any point prior 11:51:52 m 2009? 11:51:58  A. There is a citation about mouse eatching 11:52:02 hy catching by Blue Jays which just covered a 11:52:06 Fittle hit. I mean we went home for the week of JJ:52:14 10 mice that I took out and put in the backyard in 11:52:16 that few days in the show and was carious where 11:52:20 they went and watched until I finally found the 11:52:24 Bioe Jays carrying them off. 11:52:28	4 5 6 7 8 9 10 11 12 13 14 15 17 18 19 20 21 22	Q. Okay.   11.54/48     A. And I had not caught her mistakes in the   J1.54/48     beys.   11.54/52     Q. I see, Who drafted this report?   11:54/52     A. I drafted the entire report, but she did   11:54/56     the graphies. My computer skills don't reak at the   11:55/00     top.   (J1:55/04     Q. Okay.   J1:55/04     A. And she was the one who put together fac   11:55/06     poster with the pictures and the other things.   J1:55/08     Q. Yes   J1:55/10     A. And finally 2 think that she messed up   J1:55/12     ton the information that went with it.   J1:55/16     Q. So what's incorrect in this graph, and   J1:55/16     The referring to Figure 2 right now?   J1:55/18     A. Mice trapped with the unit off   J1:55/24     2010 - okay. Set to on in 2009, off in 2010,   J1:55/28     okay. On in 2009, off oh, they're right.   J1:55/52

1	droppings and getting confused at that. 11:56:02	1	since then have kept the same pattern. 11:58:38
2	Q. Don't worry about it. 11:56:04	2	Q. You know, without the data from 2010 or 11:58:42
3	A. So Figure 2, the number caught in 2009 11:56:06	3	other years, let's say - 11.58:48
4	with it on, zero; the number caught in 2010, same 11:56:10	4	A. It would be meaningless. 11:58:50
5	exact dates to begin the study from August 5th I 11:56:16	5	Q. Okay, so let me just finish my question. 11:58:52
6	think till December 5th, so same season both years, 11:56:22	6	You're anticipating correctly. If you had only 11:58:54
7	same number of days, catching 32 mice in one 11:56:26	7	looked at 2009 with the unit on and seen zero, it 11:58:56
8	compared to the other, if you do the Chi-square of 11:56:32	8	would be a meaningless result, is that correct? 11:59:00
	it, it's right at the edge of damn near impossible. 11:56:34	9	A. From a scientific standpoint. 11:59:02
	In fact, I had to add a one, pretend I caught a 11:56:38	10	absolutely, II:59:04
11	mouse in 2009 to be able to do a Chi-square test 11:56:42	11	Q. Why? 11:59:06
	hecause you can't use a zero in it, so the 11:56:46	12	A. Because you have to have a control. 11:59:06
13	statisticium suid we'll put in a one and run the 11:56:50	13	Q. And without a control, as a matter of 11:59:06
	test that way. 11:56:52	14	science, the data from a study is meaningless, is 11:59:14
15	Q. So I appreciate that explanation, and I 11:56:54	15	that correct? 11:59:18
16	want to talk on a much more basic level. Can you 11:56:56	16	A. Protty much so, yes. 11:59:18
17	just explain what is the importance of comparing 11:57:00	17	O. Can you please look at a portion of 11:59:32
18	the years 2009 versus 2010? 11:57:02	18	this of the Transome report titled, "Study 11:59:40
19	A. To get a baseline evidence of the 2009 11:57:06	19	Design?" 11:59:44
20	with it off is the standard, you know, unconfined 11:57:14	20	A. Yes. 11:59:48
	test. You know, it's a field test in a natural 11:57:20	21	Q. I'm looking at the third sentence here. 11:59:54
21	7.0 (Cont 1.0 (	22	It reads, "This unit was set to the medium volume 11:59:58
22		23	and spider setting on the options for sound output 12:00:04
23	Q. I'm sorry to interrupt you. 2009 the 11:57:22 unit is on, correct? 11:57:28		for the lest. I did not use the mice sound setting 12:00:06
-4	unit is on, correct? 11:57;28 Page 90	24	Page
			7.0 W.
1	A. Yeah, the mice traps with the unit off. 11:57:28	1	since prior spiders tests had indicated mice. 12:00:10
1 2			
	A. Yeah, the mice traps with the unit off. 11:57:28	2	since prior spiders tests had indicated mice. 12:00:10 responded more strongly to the spider setting than 12:00:14
2	A. Yeah, the mice traps with the unit off. 11:57:28 That's simply saying that this is a natural 11:57:32.	2	since prior spiders tests had indicated mice. 12:00:10 responded more strongly to the spider setting than 12:00:14 to the predesignated mice setting of the unit's 12:00:16
3	A. Yeah, the mice traps with the unit off. 11:57:28 That's simply saying that this is a natural 11:57:32 MR. OSTOJIC: Isn't 2009 on? 11:57:32	3	since prior spiders tests had indicated mice. 12:00:10 responded more strongly to the spider setting than 12:00:14 to the predesignated mice setting of the unit's 12:00:16 controls," do you see that? 12:00:20
2 3 4 5	A. Yeah, the mice traps with the unit off. 11:57:28  That's simply saying that this is a natural 11:57:32  MR. OSTOJIC: Isn't 2009 on? 11:57:32  BY THE WITNESS: 11:57:38  A. Excuso mc, 2009 on, 2010 – yeah, 2010 11:57:38	3 4	since prior spiders tests had indicated mice. 12:00:10 responded more strongly to the spider setting than 12:00:14 to the predesignated mice setting of the unit's 12:00:16 controls," do you see that? 12:00:20
2 3 4 5	A. Yeah, the mice traps with the unit off. 11:57:28  That's simply saying that this is a natural 11:57:32  MR. OSTOJIC: Isn't 2009 on? 11:57:32  BY THE WITNESS: 11:57:38  A. Excuse me, 2009 on, 2010 – yeah, 2010 11:57:38  with it off you get the natural number of mice you 11:57:42	2 3 4 5	since prior spiders tests had indicated mice. 12:00:10 responded more strongly to the spider setting than 12:00:14 to the predesignated mice setting of the unit's 12:00:16 controls," do you see that? 12:00:20 A. I do. 12:00:20 Q. Okay. So during the course of your 12:00:22
2 3 4 5 6	A. Yeah, the mice traps with the unit off. 11:57:28  That's simply saying that this is a natural 11:57:32  MR. OSTOJIC: Isn't 2009 on? 11:57:32  BY THE WITNESS: 11:57:38  A. Excuse me, 2009 on, 2010 – yeah, 2010 11:57:38  with it off you get the natural number of mice you 11:57:42	2 3 4 5 6 7	since prior spiders tests had indicated mice. 12:00:10 responded more strongly to the spider setting than 12:00:14 to the predesignated mice setting of the unit's 12:00:16 controls," do you see that? 12:00:20 A. I.do. 12:00:20 Q. Okay. So during the course of your 12:00:22
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1			
-	sext of that study is Incorrect, but your expert 12:01:34	1	A. Hit's stane, it was broadcasting the 12:04:14
2	reports are consect, is that right? 12:01:36	2	full spectrum constantly. 12:04:16
3	A. Yes, 12:01:38	3	Q. Okay. \$2:04:20
4	QL And there was also a conflict between = 12(01:40)	4	A. The sweep goes up and down in the range. 12:04:20
	your expert reports at this case and your Transonic 12:01:42	,	Q. Jisee, nkay. 12:04:22
	Pro study as to which years the device was tarned 12:01:48	6	A. And the pulsing is a space, no sound. 12:04:34
		7	sound, no sound, no sound, no sound. 12:04:38
	on and off; correct? 12:01:52		
ĸ	A. That was just a typographical circs, 12:01:54	8	*· ······, <u>-</u> -···· <u>-</u>
J	yes. 12:01:56	9	and the state of t
þ	Q. And in that instance, the actual 12:01:56	10	semence here. "I did not use the mice sound 12:04:50
1	Transonic Pro study was convert right? 12:02:00		setting since prior spidus tests had indicated mice 12:04:54
2	A. Yes. 12:02:02	12	responded more strongly to the spider setting than 12:04:54
3	Q.—Is there anything else that's incorrect = 12;02:10	: 33	to the predesignated mice setting of the unit's 12:04:56
4	in this text? 12:02:12	14	controls," Is that another error? Did prior 12:05:09
5	A. Not to the best of my knowledge. Diad. 12:02:14	15	spider tests indicate that mice responded more 12:05:02
6	gens over it theroughly to the last enuple of days = 12:02:20	16	strongly? 12:05:04
7	and caught those 12:02:22	17	MR. OSTOJIC: Object to fond, foundation. Go. 12:05:06
8	Q. You did catch those? 12:02:24	18	ahead. 12:05:06
9	A. Vib-hob. Oh, wait, there is that one 12:02:26	19	BY THE WITNESS: 12:05:08
	ting poler the corratees which indicated a date of 12:02:34	20	A. They run spider rests on long-legged 12:05:08
0	2009 and 2010 when it was 2009 August to beginning 12:02:36	21	
			that in my back hall because that's where the \$2:05:20
2.	of Suptember and 2009 September to the end of 12:02:44		•
7	September, so it's just mislabeling the graph. \$2:02:46		long-logged cellar spiders come up from the 12:05:22
4	Again, I didn't look closely escugli at what had 12:02:54 Page 94	: 24	basement, and that was the first thing that made me 12:05:26 Page 9
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ı	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Ι.	
•	heen produced, and my recollection is that I got 12:02:58	1	realize that the mice weren't coming up anymore. \$2:05:28
	that poster delivered to me the day I had to leave 12:03:00	ı	realize that the price weren't coming up anymore. 12:05:28  BY MR, KOPFU: 12:05:32
2	that poster delivered to me the day I had to leave 12:03:00	ı	
2 3	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02	2	DY MR. KOPFU: 12:05:32
2 3 4	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02 Q. Okay. 12:03:04	2 3 4	DY MR. KOPFU: 12:05:32 Q. Tsee, nkay. 12:05:32
2 3 4 5	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26	2 3 4 5	DY MR. KOPFU: 12:05:32  Q. I see, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I tried it on the mouse setting as well and didn't 12:05:38
2 3 4 5 6	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu on. 12:03:28	2 3 4 5 6	DY MR. KOPFU: 12:05:32  Q. I see, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I tried it on the mouse setting as well and didn't 12:05:38  find any difference. 12:05:40
2 3 4 5 6 7	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02 Q. Okay. 12:03:04 A. And 12:03:26 Q. Gu (in. 12:93:28 A. The difference between the mouse setting 12:03:28	2 3 4 5 6	BY MR. KOPFU: 12:05:32  Q. I see, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I mised it on the mouse setting as well and didn't 12:05:38  find any difference. 12:05:40  Q. Okay. But with regards to your resting 12:05:40
2 3 4 5 6 7 8	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02 Q. Okay. 12:03:04 A. And 12:03:26 Q. Gu km. 12:03:28 A. The difference between the mouse setting 12:03:28 and the spider setting would have been a matter of 12:03:30	2 3 4 5 6 7	DY MR. KOPFU: 12:05:32  Q. I see, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I tried it on the mouse setting as well and didn't 12:05:38  find any difference. 12:05:40  Q. Okay. Out with regards to your resting 12:05:44  as to mice, you used it on the spider setting, is 12:05:44
2 3 4 5 6 7 8 9	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gukin. 12:03:28  A. The difference between the mouse setting 12:03:28 and the spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34	2 3 4 5 6 7 8	DY MR. KOPFU: 12:05:32  Q. I see, okay. 12:05:32  A. So we started with that, and eventually 12:05:34  I tried it on the mouse setting as well and didn't 12:05:38  find any difference. 12:05:40  Q. Okay. Out with regards to your resting 12:05:46  as to mice, you used it on the spider setting, is 12:05:44  that correct? 12:05:48
2 3 4 5 6 7 8 9	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu on. 12:03:28  A. The difference between the mouse setting 12:03:28 and the spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38	2 3 4 5 6 7 8 9	12:05:32
2 3 4 5 6 7 8 9	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu (m. 12:93:28  A. The difference between the mouse setting 12:03:28 and the spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently duesn't make much 12:03:38 of a difference. 12:03:44	2 3 4 5 6 7 8 9	DY MR. KOPFU: 12:05:32  Q. I see, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I tried it on the mouse setting as well and didn't 12:05:38  find any difference. 12:05:40  Q. Okay. But with regards to your resting 12:05:40 as to mice, you used it on the spider setting, is 12:05:44  that correct? 12:05:48  A. Initially, yes, 12:05:48  Q. Well, during the Transonic Pro study. 12:05:48
2 3 4 5 6 7 8 9 0 1 2	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu kin. 12:03:28  A. The difference between the mouse setting 12:03:28 and fite spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46	2 3 4 5 6 7 8 9 10 11 12	DY MR. KOPFU: 12:05:32  Q. Tsee, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I tried it on the mouse setting as well and didn't 12:05:38 find any difference. 12:05:40  Q. Okay. Out with regards to yone resting 12:05:40 as to mice, you used it on the spider setting, is 12:05:44 that correct? 12:05:48  A. Initially, yes, 12:05:48 Q. Well, during the Transonic Pro study. 12:05:48 A. Yesh. 12:05:50
2 3 4 5 6 7 8 9 0 1 2	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu (m. 12:93:28  A. The difference between the mouse setting 12:03:28 and the spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently duesn't make much 12:03:38 of a difference. 12:03:44	2 3 4 5 6 7 8 9	DY MR. KOPFU:       12:05:32         Q.       I see, nkay.       12:05:32         A.       So we started with that, and eventually 12:05:38         I tried it in the mouse setting as well and didn't 12:05:38         find any difference.       12:05:40         Q.       Okay. But with regards to your resting 12:05:40         as to mice, you used it on the spider setting, is 12:05:44       12:05:48         A.       Initially, yes, 12:05:48         Q.       Well, during the Transonic Pro study. 12:05:48         A.       Yeah. 12:05:30         Q.       Or did you switch it dampt the study? 12:05:52
234567890123	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu kin. 12:03:28  A. The difference between the mouse setting 12:03:28 and fite spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46	2 3 4 5 6 7 8 9 10 11 12	DY MR. KOPFU:       12:05:32         Q.       I see, nkay.       12:05:32         A.       So we started with that, and evenually 12:05:38         I mide it in the mouse setting as well and didn't 12:05:38       12:05:39         find any difference.       12:05:40         Q.       Okay. But with regards to your resting 12:05:40         as to mice, you used it on the spider setting, is 12:05:44         that correct?       12:05:48         A.       Initially, yes, 12:05:48         Q.       Well, during the Transonic Pro study. 12:05:48         A.       Yeah. 12:05:30         Q.       Or did you switch it dampt the study? 12:05:52
2 3 4 5 6 7 8 9 0 1 2 3 4	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And - 12:03:26  Q. Go on. 12:03:28  A. The difference between the mouse setting 12:03:28 and the spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently duestiff make much 12:03:38 of a difference. 12:03:44  Q. Well, Jidn't we disease earlier that the 12:03:46  A. B and C in those sottings affected whether the 12:03:50	2 3 4 5 7 8 9 10 11 12 13	DY MR. KOPFU:       12:05:32         Q.       I see, nkay.       12:05:32         A.       So we started with that, and eventually 12:05:38         I tried it in the mouse setting as well and didn't 12:05:38         find any difference.       12:05:40         Q.       Okay. But with regards to your resting 12:05:40         as to mice, you used it on the spider setting, is 12:05:44       12:05:48         A.       Initially, yes, 12:05:48         Q.       Well, during the Transonic Pro study. 12:05:48         A.       Yeah. 12:05:30         Q.       Or did you switch it dampt the study? 12:05:52
23456789012345	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu on. 12:03:28  A. The difference between the mouse setting 12:03:28 and fac spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we discuss earlier that the 12:03:46  A. B and C in those softiags affected whether the 12:03:50 sound was constant versus pulsating versus 12:03:56	2 3 4 5 7 8 9 10 11 12 13	DY MR. KOPFU: 12:05:32  Q. Usee, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  Unried it on the mouse setting as well and didn't 12:05:38  find any difference. 12:05:40  Q. Okay. But with regards to yone resting 12:05:40 as to mice, you used it on the spider setting, is 12:05:44  that correct? 12:05:48  A. Initially, yes, 12:05:48  Q. Well, during the Transonic Pro study. 12:05:48  A. Yeah. 12:05:30  Q. Or did you switch it during the study? 12:05:52  A. No, I've switched it for the last four 12:05:54  years. 12:05:56
234567890123456	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu (m. 12:93:28  A. The difference between the mouse setting 12:03:28 and fac spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently duestif make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46  A. B and C in those softings affected whether the 12:03:56 sound was constant versus pulsating versus 12:04:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	DY MR. KOPFU:       12:05:32         Q. I see, nkay.       12:05:32         A. So we started with that, and evenually I rides it on the mouse setting as well and didn't I 2:05:38       12:05:38         I mid any difference.       12:05:40         Q. Okay. But with regards to your reasing as to mide, you used it on the spider setting, is that covred?       12:05:48         A. Initially, yes,       12:05:48         Q. Well, during the Transonic Pro study.       12:05:48         A. Yesh.       12:05:50         Q. Or did you switch it damig the study?       12:05:52         A. No, I've switched it for the last four 12:05:54         years.       12:05:56
2345678901234567	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And - 12:03:26  Q. Go on. 12:03:28  A. The difference between the mouse setting 12:03:28 and fac spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46  A. B and C in those settings affected whether the 12:03:50 sound was constant versus pulsating versus 12:03:56 sweeping? 12:04:00  A. Yes, that's what I'm saying, the sound 12:04:00 pattern, yean, but not the frequency. 12:04:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	DY MR. KOPFU:       12:05:32         Q.       I see, nkay.       12:05:32         A.       So we started with that, and evenually 12:05:38         I tried it in the mouse setting as well and didn't 12:05:38       12:05:40         find any difference.       12:05:40         Q.       Okay. But with regards to your resting 12:05:40         as to mice, you used it on the spider setting, is 12:05:44         that correct?       12:05:48         A.       Initially, yes, 12:05:48         Q.       Well, during the Transonic Pro study. 12:05:48         A.       Yesh. 12:05:30         Q.       Or did you switch it during the study? 12:05:52         A.       No, I've switched it for the last four 12:05:54         years. 12:05:56       Q.         Q.       Not during the years 2009 and 2010, 12:05:56         right? 12:05:58       12:05:58
23456789012345678	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu on. 12:03:28  A. The difference between the mouse setting 12:03:28 and fac spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we discass earlier that the 12:03:46  A. B and C in those settings affected whether the 12:03:56 sweeping? 12:04:00  A. Yes, that's what I'm saying, the sound 12:04:02  Q. And there was different ones - I'm 12:04:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	DY MR. KOPFU: 12:05:32  Q. I see, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I mied it on the mouse setting as well and didn't 12:05:38  find any difference. 10:05:40  Q. Okay. But with regards to your resting 12:05:40 as to mice, you used it on the spider setting, is 12:05:44  that correct? 12:05:48  A. Initially, yes, 12:05:48  A. Initially, yes, 12:05:48  A. Yesh. 12:05:50  Q. Or did you switch it during the study? 12:05:54  years. 12:05:56  Q. Not during the years 2009 and 2010, 12:05:56  right? 12:05:58  A. Right. 12:05:58
234567890123456789	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu (m. 12:93:28  A. The difference between the mouse setting 12:03:28 and fac spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently duestif make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46  A. B and C in those softings affected whether the 12:03:56 sweeping? 12:04:00  A. Yes, that's what the saying, the sound 12:04:00 pattern, year, but not the frequency. 12:04:02  Q. And there was different cores - Fm 12:04:04 shirty to interrupt you. Not the frequency? 12:04:04	2 3 4 5 7 8 9 10 11 12 13 14 15 16 17 18	DY MR. KOPFU:       12:05:32         Q. I see, nkay.       12:05:32         A. So we started with that, and evenually I mide it on the mouse setting as well and didn't I 12:05:38       12:05:38         find any difference.       12:05:40         Q. Okay. But with regards to your reasing as to mide, you used it on the spider setting, is 12:05:44       12:05:48         A. Initially, yes.       12:05:48         Q. Well, during the Transonic Pro-study.       12:05:48         A. Yesh.       12:05:50         Q. Or did you switch it daming the study?       12:05:54         years.       12:05:56         Q. Not during the years 2009 and 2010, 12:05:56       12:05:56         right?       12:05:58         A. Right.       12:05:58         Q. Okay. Do you still have 8xhibit 4       12:06:08
2345678901234567890	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu kin. 12:93:28  A. The difference between the mouse setting 12:03:28 and fac spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibel level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46  A. B and C in those settings affected whether the 12:03:56 sweeping? 12:04:00  A. Yes, that's what I'm saying, the sound 12:04:02  Q. And there was different case. Fm 12:04:04  surry to interrupt you. Not the frequency? 12:04:04  A. Yes. 12:04:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	DY MR. KOPFU:       12:05:32         Q. I see, nkay.       12:05:32         A. So we started with that, and evenually I rised it on the mouse setting as well and didn't I 2:05:38       12:05:34         I mid any difference.       12:05:40         Q. Okay. But with regards to your resting as to mide, you used it on the spider setting, is I 2:05:44       12:05:48         A. Initially, yes.       12:05:48         Q. Well, during the Transonic Pro study.       12:05:48         A. Yesh.       12:05:30         Q. Or did you switch it during the study?       12:05:52         A. No, I've switched it for the last four 12:05:54       12:05:56         quars.       12:05:58         Q. Not during the years 2009 and 2010, 12:05:56       12:05:58         A. Right.       12:05:58         Q. Okay. Do you still have Exhibit 4 12:06:08         handly?       12:06:08
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2 1	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Go on. 12:03:28  A. The difference between the mouse setting 12:03:28 and fice spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46  A. B and C in these settings affected whether the 12:03:56 sweeping? 12:04:00  A. Yes, that's what I'm saying, the sound 12:04:02  Q. And there was different cores - I'm 12:04:04  surry to interrupt you. Not the frequency? 12:04:04  A. Yes. 12:04:06  Q. Well, it might affect the frequency 12:04:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	DY MR. KOPFU: 12:05:32  Q. I see, nkay. 12:05:32  A. So we started with that, and eventually 12:05:34  I tried it on the mouse setting as well and didn't 12:05:38  find any difference. 10:05:40  Q. Okay. Out with regards to your resting 12:05:40 as to mice, you used it on the spider setting, is 12:05:44  that correct? 12:05:48  A. Initially, yes, 12:05:48  Q. Well, during the Transonic Pro study. 12:05:48  A. Yesh. 12:05:50  Q. Or did you switch it during the study? 12:05:52  A. No, I've switched it for the last four 12:05:54  years. 12:05:56  Q. Not during the years 2009 and 2010, 12:05:56  right? 12:05:58  A. Right. 12:05:58  Q. Okay. Do you still have Exhibit 4 12:06:20  les right here. Can you please look at 12:06:20
2 3 4 5 6 7 8 9 10 11 22 22 22 22 2 2 2 2 2 2 2 2 2 2 2	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Gu on. 12:03:28  A. The difference between the mouse setting 12:03:28 and fac spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we discass earlier that the 12:03:46  A. B and C in those settings affected whether the 12:03:56 sweeping? 12:04:00  A. Yes, that's what I'm saying, the sound 12:04:02  Q. And there was different ones - I'm 12:04:04  A. Yes, 12:04:06  Q. Well, it might affect the frequency 12:04:04  Q. Well, it might affect the frequency 12:04:06 range, right, because if it's sweeping, there is 12:04:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	DY MR. KOPFU:       12:05:32         Q. I see, nkay.       12:05:32         A. So we started with that, and eventually I mide it on the mouse setting as well and didn't I 12:05:38       12:05:34         I mide it on the mouse setting as well and didn't I 12:05:38       12:05:40         Q. Okay. But with regards to your reading I 12:05:40       12:05:48         as to mice, you used it on the spider setting, is I 12:05:44       12:05:48         A. Initially, yes, I 12:05:48       12:05:48         A. Initially, yes, I 12:05:48       12:05:48         A. Yesh, I 12:05:50       12:05:50         Q. Or did you switch it daring the study? I 12:05:54       12:05:54         years, I 12:05:56       12:05:56         Q. Not during the years 2009 and 2010, I 12:05:56       12:05:58         A. Right, I 12:05:58       12:05:58         Q. Okay. Do you still have Eachibit 4 I 12:06:08       12:06:08         handy? I 2:06:20       12:06:20         insmitted on No. 4, slide the sound pattern switch I 12:06:26
2 3 4 5 6 7 8 9 10 11	that poster delivered to me the day I had to leave 12:03:00 for my conference. 12:03:02  Q. Okay. 12:03:04  A. And 12:03:26  Q. Go on. 12:03:28  A. The difference between the mouse setting 12:03:28 and fice spider setting would have been a matter of 12:03:30 the sound form, sweeper, but the same frequency and 12:03:34 decibed level, so it apparently doesn't make much 12:03:38 of a difference. 12:03:44  Q. Well, didn't we disease earlier that the 12:03:46  A. B and C in these settings affected whether the 12:03:56 sweeping? 12:04:00  A. Yes, that's what I'm saying, the sound 12:04:02  Q. And there was different cores - I'm 12:04:04  surry to interrupt you. Not the frequency? 12:04:04  A. Yes. 12:04:06  Q. Well, it might affect the frequency 12:04:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	DY MR. KOPFU;   12:05:32

1			
	Q. Okay, Did you follow that instruction? 12:06:32	558	you were not intending or repel something you 12:08:38
2	A. I followed that instruction in setting 12:06:36		weren't intending, I don't know. There is always a 12:08:42
3	it for the first the spider test. Eventually 1 12:06:38	3	chance that you will have unexpected consequences 12:08:44
l.	went to mice because that's what I was interested 12:06:44	4	to doing things. But following the instructions is 12:08:46
	in testing. As a scientist, you sort of take what 12:06:46	5	still to my way of thinking the best possible way 12:08:50
i	you're given. If you find something that's working 12:06:58	6	to find out the answer to a question. 12:08:54
7	that's different than what you imagined, you tend 12:07:02.	7	It's not necessarily the way my life has 12:08:58
8	to follow that. 12:07:04	8	been. You give me a model plane, it won't 12:09:00
,	Q. Okay. So I understand that it may be 12:07:06	9	necessarily look like the picture on the box when 12:09:02
,	immaterial, and you'll tell me if you believe that 12:07:08	10	Tm done because I don't read instructions there, 12:09:06
	it was, but during your testing as to mice during 12:07:10	11	but I follow instructions to find out answers in 12:09:08
	2009 and 2010, you had it switched to the spider 12:07:12	12	science. 12:09:12
	setting, is that correct? 12:07:18	13	BY MR. KOPEL: 12:09:12
	A. Yes. 12:07:18	14	Q. When you say you don't read instructions 12:09:12
4	Q. And that technically was not following 12:07:18	15	there, you're referring to instructions on the box 12:09:14
		16	of a product? 12:09:16
		17	A. On the hox of a model airplane, things 12:09:18
7	100 C. N. 107 C.		which are not science. 12:09:20
	Q. But you believe that was immaterial? 12:07:24	18	
2	A. Because we used the same sound 12:07:24	19	
	frequencies, just a difference in the pattern in 12:07:28	20	
1	which they're projected. Whether it's solid, sweep 12:07:30	21	airplanes located on the box? 12:09:30
	or alternating on off, on off, I don't see that 12:07:36	22	A. Inside. 12:09:30
3	makes a difference, although they could bear them 12:07:40	23	MR. OSTOΠC: Objection to form, foundation. 12:09:32
4	no matter what was happening. 12:07:44 Page 98	24	BY MR, KOPEL: 12:09:32 Page 1
	The West Const.		73 820 300 300 300
1	Q. So it's possible sometimes that somebudy 12:07:44	3	Q. So when you're building a model 12:09:34
2	using a product could violate an instruction but 12:07:48	2	airplane, do you just build it without reading the 12:09:34
3	that violation might be immuterial, would you agree 12:07:52.	3	instructions? 12:09:38
4	with that? 12:07:54	4	A. It's been a long time since I did, but, 12:09:40
5	MR. OSTOJIC: Object to form, foundation. 12:07:54	:5	yes, I've actually rebuilt three real airplanes 12:09:42
	Accompany of the Accompany of the Control of the Co	111	from scratch, so, yes, I do. 12:09:46
6	BY THE WITNESS: 12:07:56	6	Holli Schlich, St., Fax, 1 tio.
	BY THE WITNESS: 12:07:56  A. If the outcome is that you stay within 12:07:56	6	
7	[[마리 : [마리크 : 1] [마리크 :	133	Q. Yes, you do build it without reading 12:09:50
7	A. If the outcome is that you stay within 12:07:56	7	Q. Yes, you do build it without reading 12:09:50 instructions, correct? 12:09:52
7 8 9	A. If the outcome is that you stay within 12:07:56 the same frequency range and decibel production on 12:08:00 those different settings, yes. 12:08:04	7 8	Q. Yes, you do huild it without reading 12:09:50 instructions, correct? 12:09:52  A. Yes. 12:09:52
7 8 9	A. If the outcome is that you stay within 12:07:56 the same frequency range and decibel production on 12:08:00 those different settings, yes. 12:08:04 BY MR, KOPEL: 12:08:06	7 8 9	Q. Yes, you do huild it without reading 12:09:50 instructions, correct?       12:09:52         A. Yes. 12:09:52       12:09:54         Q. Okay. 12:09:54
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7 8 9 0 1 2	A. If the outcome is that you stay within 12:07:56 the same frequency range and decibel production on 12:08:00 those different settings, yes. 12:08:04 BY MR. KOPEL: 12:08:06 Q. Okay, thank you, and I appreciate your 12:08:06 answer that very specifically, and I asked you a 12:08:10 more general question which was it's 12:08:12	7 8 9 10 11 12 13	Q. Yes, you do build it without reading instructions, correct?       12:09:52         A. Yes.       12:09:52         Q. Okay.       12:09:54         A. But I haven't built one in 30 years.       12:09:54         Q. That's very impressive. I'd be interested in seeing that.       12:10:00
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7 8 9 0 1 2 3 4 5 6 7 18	A. If the outcome is that you stay within 12:07:56 the same frequency range and decibel production on 12:08:00 those different settings, yes. 12:08:04 BY MR, KOPEL: 12:08:06 Q. Okay, thank you, and I appreciate your 12:08:06 auswer that very specifically, and I asked you a 12:08:10 more general question which was it's 12:08:12 possible and let me take a step back. This 12:08:16 question does not just pertain to repellers, it 12:08:18 pertains to everything. Is it possible that 12:08:20 somebody using a product could violate an 12:08:26 be immaterial? 12:08:28	7 8 9 10 11 12 13 14 15 16 17	Q. Yes, you do build it without reading 12:09:50 instructions, correct? 12:09:52  A. Yes. 12:09:52  Q. Okay. 12:09:54  A. But I haven't built one in 30 years. 12:09:54  Q. That's very impressive. I'd be 12:09:58 interested in seeing that. 12:10:00  How about other products in your house, 12:10:00 do you have a microwave? 12:10:16  Q. Did you read the instructions to the 12:10:16 microwave? 12:10:18  A. I honestly haven't seen them, All 12:10:20
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9 10 11 12 13 14 15 16 17 18 19 20 21	A. If the outcome is that you stay within 12:07:56 the same frequency range and decibel production on 12:08:00 those different settings, yes. 12:08:04 BY MR, KOPEL: 12:08:06 Q. Okay, thank you, and I appreciate your 12:08:06 answer that very specifically, and I asked you a 12:08:10 more general question which was it's 12:08:12 possible and let me take a stop back. This 12:08:16 question does not just purtain to repellers, it 12:08:18 pertains to everything. Is it possible that 12:08:20 somebody using a product could violate an instruction of use but that violation might still 12:08:26 be immaterial? 12:08:28 MR, OSTORIC: Object to form, foundation, 12:08:30	7 8 9 10 11 12 13 14 15 16 17 1R 19 20	Q. Yes, you do build it without reading 12:09:50 instructions, correct? 12:09:52 A. Yes. 12:09:52 Q. Okay. 12:09:54 A. But I haven't built one in 30 years. 12:09:54 Q. That's very impressive. I'd be 12:09:58 interested in seeing that. 12:10:00 How about other products in your house, 12:10:00 do you have a microwave? 12:10:16 Q. Did you read the instructions to the 12:10:16 microwave? 12:10:18 A. I honestly haven't seen them, All 12:10:20 microwaves I've used since my daughter was born in 12:10:2 1985 have been hand-me-downs, you know, that came 12:10
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1		г	
1 mic	rowaves. I don't consider them an important 12:10:42	ī	A. I hadn't really sat down and documented. 32:12:52
2 part	of my life. I cook real cooking on the strive. 12:10:44	2	This is a sense of just without having corned 12:12:38
1	Q. Okay. Do you have a TV? 12(10:50	3	things during that period, it was a sense of what 1 12:13:08
1	A. I've gone for years without, but since 1 12:10:52	:	was seeing. I see up the lest to find out. 12:13:10
1	artied, my wife is addicted to TV. 12:10:54	5	Q. Okay So at the buttom of the same: 12(13)14
	· •	6	page, the last sentence reads, "Placement of the 12:13:20
	` '	_	
	A. Very rarely. 12:31:00	7	***************************************
•	Q. Did you read the instructions for the TV 12:11:02	8	within less than 1 meter of the sound generated to 12:13:26
	ar to use? 12:11:04		gain entry to the main house thus exposing them to 12:13:30
	AL 1 wouldn't begin to understand the 12:11:04		the full 96 decibel sound at .5 meters," do you see 12:13:32
11 syst	em that she had put into the house we live in. 12:11:06	11	that? 12:13:36
	n't even know which romote does what. 12:11:10	12	A. i do. 12:13:36
$0.23 \pm 0$	<ol> <li>Es that because you're not an expert in 12:11:12</li> </ol>	13	Q. So obviously you're an expert in the 12.13.38
14 (bit)	field7 12:11:14	14	urea well, let me take a step back. 12:13:42
15 /	<ol> <li>It's because I don't really care. It' 12:11:14</li> </ol>	15	Given first you are a scientist, you were 12:13:48
16 she'	s not there, Par not going to turn un the TV. 12:11:16	16	able to identify where the mice were entering the 12:13:50
17   Dr	e my life TV free. My farm house hasu'i laid a 12:11(22	17	premises, is that correct? 12:13:52
18 tole	vision in a since 1954. 13:13-26	18	A. Pretry much as anybody who sat in the 12:13:54
19 (	Q. Do you have a car? 12.11:28	19	kitchen and watched the mice come in through the 12:13:56
1	Δ. Yes. 12:11:30	20	hallway would have been able to, yes, years of 12:14:00
	Q. Have you read through the entire manual? 12:11:32	21	
1	A. Absolutely, J don't fly my airplanes 12:11:34	!	door and run under the refrigerator. 12:54.06
:		:	Q. So do you believe that any homeowner can 12.14:08
	host reading the entire manual either. 12:11:38	23	· · ·
24 (	Q. Fair coough. So based on that, how do 12:11:42 Page 102	24	easily identify where indents are excuse me. If 12:14:12 Page 104
			3
; 1 you	distinguish whether or not you do or do unt 12:11:46	1	a homeowner has a rodent infestation, do you 12:14:18
: '	distinguish whether or not you do or do not 12:11:46 I the instructions before operating something? 12:11:48		a homeowner has a rodent infestation, so you 12:14:18 believe any homeowner can easily identify where 12:14:20
2 reac	,	. 2	· ·
2 reac	The instructions before operating something? 12:11:48	. 2	believe any homeowner can easily identify where = 12:14:20
2 reac 3 7 4 BY	If the instructions before operating something? 12:11:48  MR. OSTOJIC: Object to form, foundation. 12:11:52	2 : 3 : 4	believe any homeowner can easily identify where 12:14:20 they're entering? 12:14:22
2 read 3 7 4 BY 5 7	If the instituctions before operating something? 12:11:48  MR. OSTOJIC: Object to form, foundation. 12:11:52  THE WITNESS: 12:11:54  A. It depends primarily on my range of 12:11:54	2 : 3 : 4	believe any homeowner can easily identify where $-12:14:20$ they're entering? $-12:14:22$ A. Well, if they've scen the mouse or the $-12:14:24$
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2 read 3 7 4 BY 5 6 exp 7 chu 8 the 9 kno 10 sen 11 the 12 up a 13 6 14 you 15 inst 16 17 inst 18 1 19 v/a 20 21 10 22 mos	July 2015 State instructions before operating something? 12:11:48  MR. OSTORIC: Object to form, foundation. 12:11:52  THE WITNESS: 12:11:54  A. It depends primarily on my range of 12:11:54  ornence with the things. Eve been using a 12:11:54  ornence with the things. Eve been using a 12:11:54  in saw since I was 11 years old. I don't read 12:12:02  instructions when I buy a new chain saw. You 12:12:06  ow, it's a matter of need to know; and if it's 12:12:10  resthing I'm nor going to be using, I don't read 12:12:12  instructions because I don't intend to bick it 12:12:16  and do anything with it. 12:12:18  Q. And if it's something you feel confident 12:12:20  a will know how to operate without the 12:12:22  A. Right. But in science, you get all the 12:12:28  Q. And when you say in science, you mean 12:12:30  on you're resting something, right? 12:12:34  Q. Okay. You said that the mice responded 12:12:40	2 3 4 5 6 7 8 9 10 11 12 13 4 15 16 17 18 19 20 21 22	they're entering? 12:14:22  A. Well, if they've seen the mouse or the 12:14:24 rat, they probably have a proffly good idea where if 12:14:26 rating in or where it went out to because if would 12:14:30 have come and gone through the same source in all 12:14:32 probability. 12:14:34  Q. But you have no experience working with 12:14:34 homeowners on rodent infestations, do you? 12:14:38  A. Not being in the room and advising with 12:14:42 them, no. 12:14:48  Q. So what you're saying now is not based 12:14:50 on experience but rather speculation, is that 12:14:52 correct? 12:14:54  MR. OSTOHC: Object, form, foundation, 12:14:56 BY THE WITNESS: 12:15:02  A. More on hearsay. I know a number of 12:15:02 people who have bought devices like the 12:15:04 Bell & Howell device because they had seen a mouse 12:15:08
2 reace 3 7 4 BY 5 6 exp 7 chu 8 the 9 kno 10 sen 11 the 12 up s 13 6 14 you 15 inst 16 17 inst 18 1 19 who 20 21 1 22 max 23 fine	Jobe instructions before operating something? 12:11:48 MR. OSTORIC: Object to form, foundation. 12:11:52 THE WITNESS: 12:11:54  A. It depends primarily on my range of 12:11:54  orience with the things. Eve been using a 12:11:58 in saw since I was 11 years old. I don't road 12:12:02 instructions when I buy a now chain saw. You 12:12:06 ow, it's a matter of need to know; and if it's 12:12:10 rething I'm our going to be using, I don't read 12:12:12 instructions because I don't intend to bick it 12:32:16 and do anything with it 12:32:16  and do anything with it 12:32:18 Q. And if it's something you feet cenfulent 12:12:20 I will know how to operate without the 12:12:22 A. Right. But in science, you get all the 12:12:26 oriention you can before you start 12:12:28 Q. And when you say in science, you mean 12:12:30 on you're resting something, right? 12:12:34 Q. Okay. You said that the mice responded 12:12:40 re strongly to the spider setting here. Did you 12:12:40	2 3 4 5 6 7 8 9 10 11 12 13 34 15 16 17 18 19 20 21 22 23	they're entering? 12:14:22  A. Well, if they've seen the mouse or the 12:14:24 rat, they probably have a profty good idea where if 12:14:26 rating in or where it went out to because it would 12:14:36 have come and gone through the same source in all 12:14:32 probability. 12:14:34  Q. But you have no experience working with 12:14:34 homeowners on rodent infestations, do you? 12:14:38  A. Not being in the room and advising with 12:14:42 them, no. 12:14:48  Q. So what you're saying now is not based 12:14:50 on experience but rather speculation, is that 12:14:54 mischaracterizes the testimony. You can unswer. 12:14:56  BY THE WITNESS: 12:15:02  A. More on hearsay. I know a number of 12:15:02 people who have lought devices like the 12:15:04  Bell & Howell device because they had seen a mouse 12:15:08 is one room of their house or two mores of their 12:15:12
2 reace 3 7 4 BY 5 6 exp 7 chu 8 the 9 kno 10 sen 11 the 12 up s 13 6 14 you 15 inst 16 17 inst 18 1 19 who 20 21 1 22 max 23 fine	J'he instructions before operating something? 12:11:48 MR. OSTORC: Object to form, foundation. 12:11:52 THE WITNESS: 12:11:54  A. It depends primarily on my range of 12:11:54  orience with the things. Eve been using a 12:11:58 in saw since I was 11 years old. I don't read 12:12:02 instructions when I buy a new chain saw. You 12:12:06 ow, it's a matter of need to know; and if it's 12:12:10 exthing I'm our going to be using 3 don't read 12:12:12 instructions because I don't intend to bick it 12:12:16 and do anything with it. 12:12:18 Q. And if it's something you feel confident 12:12:20 I will know how to operate without the 12:12:22 A. Right. But in science, you get all the 12:12:28 Q. And when you say in science, you mean 12:12:30 on you're testing something, right? 12:12:32 A. Yos, 12:12:34 Q. Okay. You said that the mice responded 12:12:40 se strait they were — the mice were not responding, 12:12:40	2 3 4 5 6 7 8 9 10 11 12 13 34 15 16 17 18 19 20 21 22 23 24	they're entering? 12:14:22  A. Well, if they've seen the mouse or the 12:14:24 rat, they probably have a proffly good idea where if 12:14:26 rating in or where it went out to because it would 12:14:30 have come and gone through the same source in all 12:14:32 probability. 12:14:34  Q. But you have no experience working with 12:14:34 homeowners on rodent infestations, do you? 12:14:38 A. Not being in the room and advising with 12:14:42 them, no. 12:14:48 Q. So what you're saying now is not based 12:14:50 on experience but rather speculation, is that 12:14:52 correct? 12:14:54  MR. OSTOJIC: Object, form, foundation, 12:14:54 mischaracterizes the testimony. You can unswer. 12:14:56 BY THE WITNESS: 12:15:02 A. More on hearsay. I know a number of 12:15:02 people who have bought devices like the 12:15:04 Bell & Howell device because they had seen a mouse 12:15:08 is one room of their house or two mores of their 12:15:12 house and put them in there, and then they said 12:15:14

		:	
1	a woman who has a cat which doesn't do anything 12:15:22		A. But if they're not caught, at means that 12:17:32
2	about mice. 12:15:26	2	the sound up there and extending down through that - 12:17:34
3	I have immeritis people that I've given = 12:15:26	3	back half into the stair and now talking three and -12:17:38
4	the Transonie Pro to as a gift for their cabins 12:15:32	4	a half meters from where the unit is placed is 12:17:40
5	particularly, their weekends places in Wisconsin 12:15:36	5	keeping them from coming high enough up the stairs 12:17:42
6	where they complain that there is suice on the 12:15:38	6	to get their noises in the pesson burter and he 12;17:46
7	ledges and mice on the tables and droppings 12:15:42	7	trapped. 12,17:50
. 8	everywhere, and they've all come back and said that 12(15)44	8	Q. Understond, Now, as a homeowner, most 12:17:50
	il's made a (semendons difference, but that's not 12:15:46	9	of the time when you observed more, was it in the 12:17:52
10	science, fast's just 12:15:50	10	stains area? That's where you always had the traps 12:17:54
;;	Q. If you would have scaled up that hole or 12:15:52	11	set up? 12:17:58
12	entry point where the mice were coming in, would 12:15:58	12	A. No. No. I've had them scattered 12:17:58
1	• •		
13	•	13	throughout the entire farm house at times. 12:18:00
14	Transenie Pro unit? 12:16:04	14	Q. Okay. 12:16:02
15	A. I wouldn't have had access to the 12:16:06	1.5	A. Before this, yet know, we would find 12:18:02
16	basement to get at the pumps and the heaters and 12(56)08	6	mice on the beds in the bedrooms testing and eating 12:18:06
17	things if I sealed that - I mean it's the space - 12:16:10	: 17	the blankets; we would see them running underneath 12:18:10
18	under the door of the halfway \$2:16:14	38	the refrigerator, underneath the cabinets in the 12:18:14
1.9	Q. So is it sometimes unavoidable as a 12:16:14	19	kitchen; we'd see them sourrying along the walls of 12:18:16
20	homeowner, you're not able to seal the entry point? 12:16:18	20	the living room. I mean they were presty much 12:18:20
: 21	A. Physically you can't seal that and still 12:16:26	21	ubiquitous throughout the farm house. 12:18:24
22	be able to go beyond it; but in this case, this 12:16:22	22	Q. If a mouse was inside of a bed would 12:18:26
23	provided a sound burrier. And despite what it says 12:16:26	. 23	that be common that a mease could get inside of a = 12:18:28
24	here about blocking that one distance, when we got = 12,16(30)	24	bed? 12:18:32
	1'age 106		Page 108
1	to talking about sound shadows, that unit is two 12:16:32	ĺι	A. Oh, yeah. 12:18:32
	and a half meters from the top of the stairs in a 12:16:36	Ì 2	MR. OSPOJIC: Object to form. 12:16:32
	hard floored, hard walled environment, and the mice 12:16:42	3	BY MR. KOPEL: 12:18:32
1 4	are avoiding traps that are on the first, second 12:16:46	1 4	Q. Same for a rat? 12.18(32
5	and third steps down the sairs, so it's still 12:16:48	5	A, Yeah. 12.18(34
6	having an effect. I mean 3F0 didn't reach that 12:16:54	6	Q. Could an ultrasonic device reach that 12:18:36
1 7	far, there would be used in the maps down there, 12:16:56	"	mouse/ 12:38:38
		8	A. 4 don't know. It depends how heavy the 12:18:42
8		"	·
9	as you would when you have a very hard surface. 12:17:04	l."	covers are on it probably. 12:18:44
10	(). Isn't it possible that it just prevented 12:17:06	10	Q. But with heavy covers, probably no? 12:18:44
11	•	111	A. Ycoh. 12:15:46
12	there from entering the premises in the first 12:17:10	12	Q. If you had set up the Transonic Pro on 12:18:48
13	place? 12:17:12	13	
14	MR. OSTORIC: Object to form 12.17(14	14	what would have happened? 12:19:04
15	BY THE WITNESS: 12:17:14	15	A. The difficulty would have been placing 12:19:06
16	A. That's exectly what we're looking at, 12:17:14	16	it such that the speaker would be pointing down the   12:19:08
17	through, 12:07:18	!7	stairs. It would have been a fine thing to do to 12:19:10
18	BY MR. KOPEL: 12:17:38	18	try to slop the raice from coming up from the 12:19:14
19	Q. Okay. 12:17:18	29	basement at all, but the sound is directional. Td   12:19:16
20	A. The mice are always eaught on the 12:17:18	20	have to have found a way to build a structure which   12:19:22
21	stairs. They're not in the kitchen. So if they're 12:17:20	21	would hold the speaker facing down the stairs. \$2:19.24
22	caught on the stairs, it means that they have come = 12,17(26)	22	Q. Tunderstand. 12:19:28
23	- · · · · · · · · · · · · · · · · · · ·		
	up into the sound of that when it's on, 12:17:28	23	A. So it's just putting it on the floor 12:19:30
			A. So it's just putting it on the floor 12:19:30 right there behind the door where it was out of the 12:19:32
24	•	24	· · · · · · · · · · · · · · · · · · ·

!	way of everything was the logical place as far as $I\!=\!12(19)34$	1	A. They're in a few places, you know, one 12:21:52
2	could see. 12(19)38	2	or two outlets per room for lights. 12:21:56
3	Q. So placement of the unit is a crucial = 12(19)38	3	Q. What about the height of the matters? T = 12(22)00
4	uspect to officacy, would you agree with that? 12:19(4).	4	know you mentioned one that was above the counter.   12,22:03.
5	A. To some degree, yes. It has to be close 12:19:46	5	A. Other than the kitchen, the heights of 12:22:04
6	enough so the sound force will disturb the animals. 12:19:48	6	the outlets in my farm house read to be four to six 12:22:06
- 7	Q. So if a homeowner doesn't have an outlet 12:19:52	7	inches above the floor, 12:22:12
8	in the correct location, would that be a problem? 12:20:00	8	Q. Would that he too high to effectively 12:22:12
9	MR, OSTORIC: Object to form. 12:20:04	9	A. No, that would be fine. J2(22:16
10	BY THE WITNESS: (2.20;06	10	Q. What would be too high? 12:22(18)
13	A. For the Bell & Howell units, they 12:20:06	11	A. Once you get above 14 to 16 inches, then 12 22:20
12	recommend nor using an extension cord. In my case, 12:20:08	12	the sound is not sweeping the floor. You know, the 12(22)24
13	because I wanted it to be plugged into the back 12:20:14	13	nation are not hanging in said air. 12:22:26
14	hall where there is no outlet, it was on an 12:20:16	]4	Q. I see. So if you plug something 12:22:30
15	extension cord from the bathroom. 12:20:18	15	
16	BY MR. KOPEL: 12:20:20	16	
17	Q. I see. So if you had not used an 12:20:20	17	A. It would be effective if the wice were 12:22:36
18	cortousion cord, you would not have been able to 12:20:22	18	
19	place the unit where you did, is flot correct? 12:20:24	19	side of the counter, it's shooting out at a narrow 12:22:40
20	A. Byacely. J2;20;24	20	range like this. 12:22:44
23	Q. So you wouldn't be able to replicate the 12:20:26	21	Q Tundersland. So it wouldn't focus on 12:22:44
22	test conditions that you conduct in the Transonic 12,20(34		the rest of the room? 12:22:46
23	Pro test using the Bell & Howell device, would you? 12:20:38	23	A No, you'd have to point it towards the 12:22:48
24	A. If you had outlets at the right height 12:20:42		connecting if you want je to be effective in 12:22:50
24	Page 110		Page 112
	an the Shruse. 12:20:46	J	keeping the counter free of mice. This was pretty = 12:22:52
: 2	in the Souse. 12:20:46 Q. But you didn't, right? 12:20:46	) 2	
		_	clear what the instructions say in Beli & Howell; 12:22.56
2	Q. But you didn't, right? 52:20:46	2	clear what the instructions say in Beli & Howell; 12:22.56
2	Q. But you didn't, right? 12:20:46  A. This house was built in the 1940s. I'm 12:20:50	3	clear what the instructions say in Beli & Howell; 12:22.56 you want to point if towards the area yea want to 12:22:58
2 3 4	Q. But you didn't, right? 52:20:46 A. This house was built in the 1940s. I'm 12:20:50 lucky to have any outlets. 12:20:52 Q. Okay. Lappreciate that. So to be 12:20:54 clear, you didn't have the correctly placed 12:20:56	2 3 4	clear what the instructions say in Beli & Howell; 12:22:56 you want to point if towards the area year want to 12:22:58 protect. 12:23:02
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21	Q. But you didn't, right?  A. This house was built in the 1940s. I'm = 12:20:50 lucky to have any outlets.  Q. Okay. I appreciate that. So to be = 12:20:54 clear, you didn't have the correctly placed = 12:20:56 outlets, right? = 12:21:00  A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	clear what the instructions say in BeE & Howell; 12:22:56 you want to point it towards the area you want to 12:22:58 protect. 12:23:02  Q. We'll get in that, thanks And I think 12:23:02 you said was it (4 to 16 inches you said was too 12:23:06 nigh at that point? 12:23:10  A. Then you're above the mice and the rats. 12:23:30 Q. And then the devices couldn't be 12:23:14 effective? 12:23:18  A. That is the assumption of most people, 12:23:18 but since I're seeing alearly reflection of the 12:23:22 sound off the hard surface back to another and down 12:23:26 around the sound shadow, I're willing to bel that 12:23:30 you would get some effect by hitting another bard 12:23:32 sarface on the other side, you know, instead of 12:23:36 being absorbed. 12:23:42  Q. But you haven't tested that, right? 12:23:44 A. I don't have the equipment. 12:23:46 Q. Obay. 12:23:46 A. It's very expensive to ge out and get 12:23:48
2 3 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 11 20 21 22	Q. But you didn't, right?  A. This house was built in the 1940s. I'm 12:20:50 lucky to have any outlets.  Q. Okay. I appreciate that. So to be 12:20:54 clear, you didn't have the correctly placed 12:20:56 outlets, jight? 12:21:00  A. No. 12:21:00  Q. What do you mean by the right keight? 12:21:04 want to have that placed within two to three inches 12:21:08 of floor height because that's where the mice are. 12:21:12  Q. Where are the outlets located in 12:21:18 your was if a lownhouse Tru serry, the farm 12:22:22 house.  A. Farm house. 12:21:26  Q. Sorry, farm house. Where are the 12:21:32 sink, on the top of the onunter of the kitchen, in 12:21:40 the kitchen above a counter where I can plug in my 12:21:46 the kitchen above a counter where I can plug in my 12:21:46	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	clear what the instructions say in BeE & Howell; 12:22:58 you want to point it towards the area you want to 12:22:58 protect. 12:23:02  Q. We'll get in that, thooks And I think 12:23:02 you said was it 14 to 16 inches you said was too 12:23:06 high at that point? 12:23:10  A. Then you're above the mice and the rats. 12:23:30 Q. And then the devices couldn't be 12:23:14 effective? 12:23:18  A. That is the assumption of most people, 12:23:18 but since The seeing clearly reflection of the 12:23:22 sound off the hard surface back to another and down 12:23:26 around the sound shadow, the willing to bel that 12:23:30 you would get some effect by htting another band 12:23:36 being absorbed. 12:23:42 Q. But you haven't tested that right? 12:23:44 A. I don't have the equipment. 12:23:46 Q. Okay. 12:23:46 the things which will test frequency and decibe) 12:23:50
2 3 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. But you didn't, right?  A. This house was built in the 1940s. I'm 12:20:50 lucky to have any outlets.  Q. Okay. I appreciate that. So to be 12:20:54 clear, you didn't have the correctly placed 12:20:56 outlets, jight? 12:21:00  A. No. 12:21:00  Q. What do you mean by the right keight? 12:21:04 want to have that placed within two to three inches 12:21:08 of floor height because that's where the mice are. 12:21:12  Q. Where are the outlets located in 12:21:18 your was if a lownhouse Tra serry, the farm 12:22:22 house. 12:21:24  A. Farm house. 12:21:26  Q. Sorry, farm house. Where are the 12:21:32 sink, on the top of the onunter of the kitchen, in 12:21:40 the east wall of the kitchen, in the north wall of 12:21:40 the electric griddle. 12:21:46 olectric griddle. 12:21:48	2 3 4 5 6 7 8 9 10 15 12 13 14 15 16 17 18 19 20 21 22 23	clear what the instructions say in BeE & Howell; 12:22:58 you want to point it towards the area you want to 12:22:58 protect. 12:23:02  Q. We'll get to that, thooks And I think 12:23:02 you said was it (4 to 16 inches you said was too 12:23:06 high at that point? 12:23:10  A. Then you're above the mice and the rats. 12:23:30 Q. And then the devices couldn't be 12:23:14 effective? 12:23:18  A. That is the assumption of most people, 12:23:18 but since The seeing clearly reflection of the 12:23:22 sound off the hard surface back to another and down 12:23:26 around the sound shadow, The willing to bel that 12:23:30 you would get some effect by hitting another hard 12:23:32 sarface on the other side, you know, instead of 12:23:36 being absorbed. 12:23:42 Q. But you haven't tested that, right? 12:23:46 Q. Okay. 12:23:46 A. It's very expensive to get out and get 12:23:50 tevels to that degree. (2:23:54

		1	
1	work, that depends on the shape of the room, right? 12:23:58	1	the European house mouse that was brought to this $-12.27.00$
2	A. Exactly, 12:24:00	2	country, still is present in Europe, still used 12:27:02
3	Q. So certain shape of rooms you would not 12:24:00	3	extensively for all kinds of behavioral tests, 12:27:06
4	lie able to have that effect? 12:24:02	4	psychological tests and so forth; but they have 12:27:10
5	A. Right. It's one reason to have more 12:24:04	5	over the years they're no longer subjected to file 12:27:14
6	than one if you feel that you need them to have 12:24:06	6	same natural selective courses that wild mice are. 12:27:22
7	complete absence of creatures. 12:24:10	7	They've been living in protected environments with 12:27:26
K	Q. 1 understand. And because they're 12:24:12	8	provided food and all the care and so forth for 12:27:30
9	directional, would you say that in each room you 12:24:14	9	probably 300 or 400 years of research, at least 12:27:36
)	would need them facing in every direction? 12:24:18	10	200 years, and the result is that genetically they 12:27:40
1	A. Probably the best thing is facing across 12:24:24	11	have drifted. Their gene patterns have become 12:27:44
2	entry points. 12:24:26	12	highly inbred, they have less variation than the 12:27:48
3	Q. Tunderstand. But just to I don't 12:24:28	13	wild mice would do because they haven't been 12:27:52
	mean to belahor this point, but you would not have 12:24:34	14	subjected to the same forces. 12:27:54
5	been able to conduct this specific experiment using 12:24:38	15	O. So would it be reasonable to surmise 12:27:56
5	the Bett & Howell devices, correct? 12:24:40	16	that they might react to ultrasound differently 12:27:58
7	MR. OSTO/IC: Object to form, foundation. 12:24:42	17	than other types of mice? 12:28:02
8	BY THE WITNESS: 12:24:46	18	A. White lab mice, probably so. 12:28:02
)	A. Legaldn't have done this test in 12:24:46	19	Q. Okay. Lust question about this 12:28:06
0	exactly the same form it was carried out with the 12:24:48	20	publication, can deer hear ultrasound? 12:28:10
1	Bell & Howell, but I would have probably found a 12:24:52	21	A. There is a good question about that, I 12:28:16
		-37	그렇게 그리면 생물에 들어가면 어린 내가 내려가 되었다면 하는 것 같아. 하는 것
2	way to block other points. 12:24:56	22	- AND CALLED AND SECTION OF THE PROPERTY OF STREET
3	BY MR. KOPEL: 12:24:58	23	AND AND THE AND A STANDARD AND AND ASSESSMENT AND ASSESSMENT OF A STANDARD ASSESSMENT OF A STANDARD AND ASSESSMENT OF A STANDARD ASSESSMENT OF A STANDAR
4	Q. Could you have plugged in the Bell & 12:24:58 Page 114	.24	because of its lack of force, and they've also put 12:28:26 Page I
K	Howell devices in your basement do you have 12:25:02	1	these artificial — the idea of the little 12:28:30
2	ourlets in the basement? 12:25:06	2	ultrasound deer warning systems on cars, there is 12:28:32
3	A. I do as of a year ugo. My daughter 12:25:06	3	no proof that they do anything, and of course it 12:28:38
4	married an electrician. 12:25:10	4	wouldn't make any difference because the sound 12:28:40
5	Q. So you didn't used to? 12:25:10	5	wouldn't travel far enough shead of a car moving 12:28:42
6	A. And when we put in an electric hot water 12:25:12	6	above 15 miles an hour to protect it from anything. 12:28:44
7	heater, he put in eight outlets and ten lights, and 12:25:16	7	So I have not seen tests that indicate 12:28:48
8	I now have unhelievable lighting down there. It 12:25:18	8	that they should hear it. Given the size of the 12:28:52
9	used to just be one outlet which ran the pump and a 12:25:22	9	animal, the size of the ears and so forth and what 12:28:54
	V 12	10	
0	single hare light bulb overhead. 12:25:26	1.0	
		11	to believe they should be able to hear that. You 12:29:02
1	Q. Got it. Okay, growt. I'm in the 12:25:30	11	
1	Q. Got it. Okay, grow. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58	J1 12	know, dogs, foxes, coyntes, cats all hear into the 12:29:06
1 2 3	Q. Got it. Okay, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02	J1 12 13	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10
1 2 3 4	Q. Got it. Okay, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02  A. Yep. 12:26:06	11 12 13 14	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14
1 2 3 4 5	Q. Got it. Okny, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title, 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08	11 12 13 14 15	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrol give off ultrasound ever. 12:29:14
1 2 3 4 5	Q. Got it. Okay, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lab mice, do you see that? It's at the hortom of 12:26:10	11 12 13 14 15	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrot give off ultrasound ever. 12:29:14 Q. But an ultrasound device made for a car 12:29:18
1 2 3 4 5 6 7	Q. Got it. Okny, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lab mice, do you see that? It's at the hortom of 12:26:10 the page. So not the page that says discussion. 12:26:16	11 12 13 14 15 16	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. I 12:29:14 haven't heard a carrol give off ultrasound ever. 12:29:14 Q. But an ultrasound device made for a car 12:29:18 to be used against deer, that would not work. 12:29:22
1 2 3 4 5 6 7	Q. Got it. Okny, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title, 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lab mice, do you see that? It's at the hottom of 12:26:10 the page. So not the page that says discussion, 12:26:16 the next page. 12:26:18	11 12 13 14 15 16 17 18	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrol give off ultrasound ever. 12:29:14 Q. But an ultrasound device made for a car 12:29:18 to be used against deer, that would not work. 12:29:22 correct? 12:29:26
1 2 3 4 5 6 7 8 9	Q. Got it. Okny, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lab mice, do you see that? It's at the hottom of 12:26:10 the page. So not the page that says discussion, 12:26:16 the next page. 12:26:30	11 12 13 14 15 16 17 18 19	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:14 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrot give off ultrasound ever. 12:29:14 Q. But an ultrasound device made for a car 12:29:18 to be used against deer, that would not work. 12:29:22 correct? 12:29:26 A. All studies have shown them to be 12:29:26
1 2 3 4 5 6 7 8 9	Q. Got it. Okay, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lab mice, do you see that? It's at the hottom of 12:26:10 the page. So not the page that says discussion, 12:26:16 the next page. 12:26:18 A. Okay, yes. 12:26:30 Q. What is the difference between white lab 12:26:32	11 12 13 14 15 16 17 18 19 20	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrot give off ultrasound ever. 12:29:18 to be used against deer, that would not work. 12:29:22 correct? 12:29:26  A. All studies have shown them to be 12:29:28
1 2 3 4 5 6 7 8 9 0	Q. Got it. Okay, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lab mice, do you see that? It's at the hottom of 12:26:10 the page. So not the page that says discussion, 12:26:16 the next page. 12:26:30 Q. What is the difference between white lab 12:26:32 mice and other types of mice? 12:26:44	11 12 13 14 15 16 17 18 19 20 21	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrol give off ultrasound ever. 12:29:14 Q. But an ultrasound device made for a car 12:29:18 to be used against deer, that would not work. 12:29:22 correct? 12:29:26 A. All studies have shown them to be 12:29:28 perfectly worthless. 12:29:28 Q. Okay, thank you. You can put that 12:29:30
1 2 3 4 5 6 7 8 9 0 1 2	Q. Got it. Okay, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title, 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lub mice, do you see that? It's at the hottom of 12:26:10 the page. So not the page that says discussion, 12:26:16 the next page. 12:26:30 Q. What is the difference between white lub 12:26:32 mice and other types of mice? 12:26:44 A. White lub mice are the product of 12:26:46	11 12 13 14 15 16 17 18 19 20 21 22	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrot give off ultrasound ever. 12:29:14 Q. But an ultrasound device made for a car 12:29:18 to be used against deer, that would not work. 12:29:22 correct? 12:29:26 A. All studies have shown them to be 12:29:28 Q. Okay, thank you. You can put that 12:29:30 Exhibit aside, please. 12:29:32
1 2 3 4 5 6 7 8 9 0 1 2 3	Q. Got it. Okay, great. I'm in the 12:25:30 portion of this text titled, "Discussion," and I'm 12:25:58 on the following page after the title. 12:26:02 A. Yep. 12:26:06 Q. And you have some discussion of white 12:26:08 lab mice, do you see that? It's at the hottom of 12:26:10 the page. So not the page that says discussion, 12:26:16 the next page. 12:26:30 Q. What is the difference between white lab 12:26:32 mice and other types of mice? 12:26:44	11 12 13 14 15 16 17 18 19 20 21 22 23	know, dogs, foxes, coyntes, eats all hear into the 12:29:06 ultrasound frequency because they're hunting mice 12:29:10 and rats and things that make those sounds. 1 12:29:14 haven't heard a carrol give off ultrasound ever. 12:29:14 Q. But an ultrasound device made for a car 12:29:18 to be used against deer, that would not work. 12:29:22 correct? 12:29:26 A. All studies have shown them to be 12:29:28 perfectly worthless. 12:29:28 Q. Okay, thank you. You can put that 12:29:30

] ]	THE VIDEOGRAPHER: We're off the record at 12:29:38		units until contacted by the lawyer and told that 13:23:06
2	12:23 p.tu 12:29:40		they didn't work. 15:23:08
3	(WHEREUPON, a short break was had.) 15:20:20	3	Q. Are we talking about Ms. Bueno right 13:23:10
1	THE VIDEOGRAPHER: We are back on the record = 13:20:20		new? 13:23:12
5	ar 1:14 p.m. 13:20:22	,	A. Yes. 13:23:12
ń	BY MR. KOPEL: 13:20:22	6	Q. Is that something that you think is 13:23:12
7	Q. Good afternoon, Dr. Whitford. 13:20:26	7	apparent to anyone who reads her deposition 13 23;22
8	A. Good afternoon. 13:20:28	8	transcript, or do you believe you reeded special 13:23:24
9	Q. 2 hoped you orgoyed your londs, 13:20:28	۷	training in order to reach that conclusion? 13:23:28
10	A. Quite adequate, and yours? 13:20:30	10	MR, OSTOJIC: Object to form. 13:23:30
$^{11}_{\cdot}$	Q. Fan sorry? 13:20:32	11	BY THE WITNESS: 13:23:32
12	A, Yours. 13:20:32	12	A. No, I meen she said essentially or I 13:23:32
13	Q.—It was fine. Can you pleuse grab 13:20:34	13	said nothing in Ms. Bueno's statement provided 13:23:36
14	Byhābit 5, that's your initial report in this case, 13:20:42	14	evidence that the UPR did not work as advertised = 13:23:38
15	and nim to the deposition section? 13:20:48	15	assuming use instructions were followed. She 13:23:40
16	A. Okny. 13:21:02	16	didn'r indicate anything other than having found 13:23.44
17	Q.—So was part of your assignment in this = 13.21(06)	17	the one group of ants and having scaled that, which 13:23:48
18	case to review deposition transcripts? 13.21:08	18	is what the instructions say to do, having had only 13:23:52
19	A. Uh-ligh. (3.21:10)	19	one or two sneaking around a window. While she was $\pm i 3{:}23{:}56$
20	Q. Which transcripts did you review? 33:21:12	20	following the instructions, she seemed satisfied 13:24:00
21	A. Sandra Bucno, Joanne Haπ, and Debbie 13:21:14	21	with it. 13:24:02
22	Penerstein: 13:21:20	22	BY MR. KOPEL: 13:24:04
23	Q. Any others? 13:21:20	23	Q. If want to just go back to that statement 13:24:04
24	A. Were there any other depositions, you 13 21:22	24	you just made about the lawyer contacting the 13(24:06)
	Page 118		Page 126
1	mean? 13:21:24	í	lawyer. Now, you made that determination from 13:24:10
2	Q. Oh, I'm sorry, did you review any other 13:21:24	2	reading the transcript, right? 13:24:12
3	deposition (runscripts resides for the three you've 13:21:26	3	A. Thelieve Edid. 13(24-)4
: 4	just listed? 13(21,32)	4	Q. Okay. Now, in making that 13:24:16
5	A. Elistened in on Potter's, 13(21)32	5	determination, did you apply any sort of 13:24:20
6	Q. Okay, None others, none besides those 13:21:36	6	scientific, technical or other type of specialized 13:24:22
7	you mentioned, correct? 13:21:40	7	knowledge? (3:24:26
8	A. No. I wasn't aware that there were any 13:21:40	8	A. To? 13:24:28
9	nthers. 13:21:42	. 9	Q. To make that determination that 13:24:28
10	Q. Okay. So tet's talk about Bueno, 13:21:56	10	Ms. Dueno was satisfied until slat was contacted by 13:24:32
11	please. What was your understanding of why you 13:22:02	11	a lawyer? 13(24-34)
12	were reviewing this (ranscript? 13/22:04	12	A. She didn't indicate dissatisfaction. (3:24:34)
13	A. To see whether she had followed 13:22:06	13	Q. Okay, Lunderstand, so please listen 13:24:36
14	instructions which are contained with the package, 13:22:34	14	carefully to the question because I'm asking a very 13:24:40
1.5	to put them in the proper positions, whether she = 13:22:20	15	specific question. In making this determination 13:24:42
16		16	that you made = I understand the basis for your = 13:24:44
17	whether she expressed any satisfaction with them to 15:22:30	17	determination. I'm saying in making it, did yee = 13:24:46
18	bogin with or not. 13:22:34	18	employ any sort of scientific, (reduical or other 13:24:50
19	Q. Okay. Would you say that part of what 13:22:42	19	type of specialized knowledge in order to make that 13:24:52
		20	
20	•	2,1	that determination based on reading the transcript/ 13:24.58
20	to diagnose perhaps the source of their 13:32:52	147	
		22	A. Of her attitude/ 13:25:00
2:	dissatisfaction with the poirs? 13:22:58	'	
23 22 23	dissatisfaction with the poirs? 13:22:58	22	A. Of her attitude? 13:25:00 Q. Yes. 13:25:02

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	same conclusion from reading it. 13:25:06	1	A. Yes. 13:27;20
2	Q. Okay. Same question for Joanne Hart, in 13:25:08	2	Q. So would it be harder to repel spiders 13:27:20
3	making that determination for Ms. Hart, did that 13:25:12	3	if a device is plugged in on a lower outlot? 13:27:24
4	require any sort of scientific, technical or other 13:25:14	4	MR. OSTOTIC: Object to form, incomplete 13:27:28
5	specialized knowledge to come to that conclusion, 13:25:18	5	hypothetical, but go ahead, 13:27:30
6	or could any lay person have done so after reading 13:25:20	6	BY THE WITNESS: 13:27:32
7.	the transcript? 13:25:24	-7	A. Yes and no, I'd have to say, because 13:27:32
8	MR, OSTOJIC: Object to form, but go ahead. 13:25:24	8	spiders are usually found in the upper corners, but 13:27:36
9	BY THE WITNESS: 13:25:26	9	they had to get there somehow. 13;27;38
0	A. Well, because she went back and bought a 13:25:26	10	BY MR. KOPEL: 13:27:40
1	second set and used them in her brother's house, 13:25:28	11	Q. Right. 13:27:40
2	one gets the impression of satisfaction with them. 13:25:30	12	A. So it all depends where they're coming 13:27:42
	BY MR. KOPEL: 13:25:34	13	from and where they're going to. 13:27:42
		14	
1	Q. So we can talk shour that, but please 13:25:34	- 200	Q. But a device plagged in at floor level 13:27:46
5	just please listen to the question carefully. 13:25:36	15	would not be able to repel a spider thut's up on 13:27:50
5	In making that determination, did you require to 13:25:40	16	the corner of a wall, is that correct? 13:27:54
7	use any sort of scientific, technical or other 13:25:44	17	A. Actually, in my spider tests in the back 13;27:56
8	specialized knowledge, or could any lay person have 13:25:46	18	hall, they did, but again we were talking about 13:28:00
9	reached that determination based on reading the 13:25:50	19	refraction and reflection of sound. 13:28:04
0	transcript? 13:25:52	20	Q. Understood. That depends on the 13:28:06
1	MR. OSTORIC: Object to form. Go ahead. 13:25:54	21	structure of the room, right? 13:28:08
2	BY THE WITNESS: 13.25;56	22	A. It does. 13:28:10
7	A. Common sense, that's all that's needed. 13:25:56	23	Q. Okay. So if the room wasn't structured 13:28:10
4	BY MR. KOPEL: 13:25:58 Page 122	24	so that the sound would be bouncing off walls, in 13:28:12
15	Q. So let's talk about Ms. Bueno here. The 13:25:58	A.	that scenario, the repeller would not be able to be 13:28:16
2	first criticism I see listed here is that she 13:26:02	2.	effective against a spider that's up on the wall 13:28:20
2	first criticism I see listed here is that she 13:26:02 plugged the device in four feet above floor level. 13:26:06	2.	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22
2	first criticism I see listed here is that she 13:26:02	2.	effective against a spider that's up on the wall 13:28:20
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2 3 4 5 6 7 8 9 p l 2 3 3 4 5 6 6	first criticism I see listed here is that she	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22  A. Yeah. 13:28:24  MR. OSTORIC: Object to form, incomplete 13:28:24 hypothetical, but he gave his answer, 13:28:26  BY MR. KOPEL: 13:28:26  Q. So is it now, with regards to 13:28:28  Ms. Bueno, I think her complaint was about ants. 13:28:32  Do you recall reading that? 13:28:34  A. Uh-huh. 13:28:36  Q. Okay. Was the fact that she plugged it 13:28:36 in at four feet a problem for repelling ants in 13:28:40 that did it cause the devices to become incapable 13:28:48 of repelling ants at that height? 13:28:52  A. The problem was that she plugged it into 13:28:54
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2 3 4 4 5 6 7 8 9 0 1 2 3 4 4 5 6 7 8	plugged the device in four feet above floor level. 13:26:06  Do you see that? 13:26:08  A. Uh-huh. 13:26:08  Q. If somebody plugs a device into — a 13:26:10  Bell & Howell device into an outlet four feet above 13:26:18  floor level, would that prevent the device from 13:26:20  being effective in repelling and driving out 13:26:28  rodents? 13:26:34  MR. OSTODIC: Object to form, but go aboad. 13:26:34  BY THE WITNESS: 13:26:36  A. It certainly wouldn't improve it. 13:26:36  Maximum efficacy is going to be found when the 13:26:42  sound is at the level at which the organisms you're 13:26:44  trying to repel are found which means mice and rats 13:26:48  on the floor. Ants and spiders might be 13:26:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22  A. Yeah. 13:28:24  MR. OSTORIC: Object to form, incomplete 13:28:24 hypothetical, but he gave his answer, 13:28:26  BY MR. KOPEL: 13:28:26  Q. So is it now, with regards to 13:28:28  Ms. Bueno, I think her complaint was about ants. 13:28:32  Do you recall reading that? 13:28:34  A. Uh-buh. 13:28:36  Q. Okay. Was the fact that she plugged it 13:28:36 in at four feet a problem for repelling ants in 13:28:40 that did it cause the devices to become incapable 13:28:48 of repelling ants at that height? 13:28:52  A. The problem was that she plugged it into 13:28:48 the wall behind her kitchen counter so that the 13:28:56 sound was pointed away from the wall where the ants 13:29:00
2 3 4 5 6 7 8 9 D 1 Z 3 4 5 6 7 8 9	plugged the device in four feet above floor level. 13:26:06  Do you see that? 13:26:08  A. Uh-huh. 13:26:08  Q. If somebody plugs a device into — a 13:26:10  Bell & Howell device into an outlet four feet above 13:26:18  floor level, would that prevent the device from 13:26:20  being effective in repelling and driving out 13:26:28  rodeuts? 13:26:34  MR, OSTODIC: Object to form, but go aboad. 13:26:34  BY THE WITNESS: 13:26:36  A. It certainly wouldn't improve it: 13:26:36  Maximum efficacy is going to be found when the 13:26:42  sound is at the level at which the organisms you're 13:26:48  on the floor. Ants and spiders might be 13:26:50  appropriate for four feet, but they're more likely 13:26:56  to be higher up for spiders because they like the 13:26:58	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22  A. Yeah. 13:28:24  MR. OSTOJIC: Object to form, incomplete 13:28:24 hypothetical, but he gave his answer, 13:28:26  BY MR. KOPEL: 13:28:26  Q. So is it now, with regards to 13:28:28  Ms. Bueno, I think her complaint was about ants. 13:28:32  Do you recall reading that? 13:28:34  A. Uh-linh. 13:28:36  Q. Okay. Was the fact that she plugged it 13:28:36 in at four feet a problem for repelling ants in 13:28:40 that did it cause the devices to become incapable 13:28:48 of repelling unts at that height? 13:28:52  A. The problem was that she plugged it into 13:28:48 the wall behind her kitchen counter so that the 13:28:56 sound was pointed away from the wall where the ants 13:29:04 were. 13:29:02
2 3 4 5 6 7 8 9 D 1 2 3 4 5 6 7 8 9 D	plugged the device in four feet above floor level. 13:26:06  Do you see that? 13:26:08  A. Uh-huh. 13:26:08  Q. If somebody plugs a device into — a 13:26:10  Bell & Howell device into an outlet four feet above 13:26:18  Boor level, would that prevent the device from 13:26:20  being effective in repelling and driving out 13:26:28  rodeurs? 13:26:34  MR. OSTOHC: Object to form, but go aboad. 13:26:34  BY THE WITNESS: 13:26:36  A. It certainly wouldn't improve it: 13:26:36  Maximum efficacy is going to be found when the 13:26:42  sound is at the level at which the organisms you're 13:26:44  trying to repel are found which means mice and rats 13:26:48  on the floor. Ands and spiders might be 13:26:56  appropriate for four feer, but they're more likely 13:26:56  to be higher up for spiders because they like the 13:26:58  corners of ceilings. Ands are where you find them. 13:27:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22  A. Yeah. 13:28:24  MR. OSTORIC: Object to form, incomplete 13:28:24 hypothetical, but he gave his answer, 13:28:26  BY MR. KOPEL: 13:28:26  Q. So is it — now, with regards to 13:28:28  Ms. Bueno, I think her complaint was about ants. 13:28:32  Do you recall reading that? 13:28:34  A. Uh-huh, 13:28:36  Q. Okay. Was the fact that she plugged it 13:28:36 in at four fact a problem for repelling ants in 13:28:40 that did it cause the devices to become incapable 13:28:48 of repelling ants at that height? 13:28:52  A. The problem was that she plugged it into 13:28:54 the wall behind her kitchen counter so that the 13:28:56 sound was pointed away from the wall where the ants 13:29:02  Q. I really want to talk about that, but 1 13:29:02
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1	first criticism I see listed here is that she	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22  A. Yeah. 13:28:24  MR. OSTORIC: Object to form, incomplete 13:28:24 hypothetical, but he gave his answer, 13:28:26  BY MR. KOPEL: 13:28:26  Q. So is it — now, with regards to 13:28:28  Ms. Bueno, I think her complaint was about ants. 13:28:32  Do you recall reading that? 13:28:36  A. Uh-buh. 13:28:36  Q. Okay. Was the fact that she plugged it 13:28:36 in at four feet a problem for repelling ants in 13:28:40 that did it cause the devices to become incapable 13:28:48 of repelling ants at that height? 13:28:52  A. The problem was that she plugged it into 13:28:48 of repelling ants at that height? 13:28:56 sound was pointed away from the wall where the ants 13:29:04 were. 13:29:02  Q. Treally want to talk about that, but 1 13:29:02 just want to focus on one thing at a time. Four 13:29:06
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2	first criticism I see listed here is that she	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22  A. Yeah. 13:28:24  MR. OSTORIC: Object to form, incomplete 13:28:24 hypothetical, but he gave his answer, 13:28:26  BY MR. KOPEL: 13:28:26  Q. So is it now, with regards to 13:28:28  Ms. Bueno, I think her complaint was about ants. 13:28:32  Do you recall reading that? 13:28:34  A. Uh-buh. 13:28:36  Q. Okay. Was the fact that she plugged it 13:28:36 in at four feet a problem for repelling ants in 13:28:40 that did it cause the devices to become incapable 13:28:48 of repetling ants at that height? 13:28:52  A. The problem was that she plugged it into 13:28:54 the wall behind her kitchen counter so that the 13:28:56 sound was pointed away from the wall where the ants 13:29:02  Q. Treally want to talk about that, but 1 13:29:02 just want to focus on one thing at a time. Four 13:29:06 feet above ground level, did that cause the devices 13:29:08
2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8	first criticism I see listed here is that she	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	effective against a spider that's up on the wall 13:28:20 that's not ground level, is that right? 13:28:22  A. Yeah. 13:28:24  MR. OSTORIC: Object to form, incomplete 13:28:24 hypothetical, but he gave his answer, 13:28:26  BY MR. KOPEL: 13:28:26  Q. So is it — now, with regards to 13:28:28  Ms. Bueno, I think her complaint was about ants. 13:28:32  Do you recall reading that? 13:28:36  A. Uh-buh. 13:28:36  Q. Okay. Was the fact that she plugged it 13:28:36 in at four feet a problem for repelling ants in 13:28:40 that did it cause the devices to become incapable 13:28:48 of repelling ants at that height? 13:28:52  A. The problem was that she plugged it into 13:28:48 of repelling ants at that height? 13:28:56 sound was pointed away from the wall where the ants 13:29:04 were. 13:29:02  Q. Treally want to talk about that, but 1 13:29:02 just want to focus on one thing at a time. Four 13:29:06

1	A. Not if it was pointed rowards (lice) at 13(29-18	I MR. OSTOJIC: Same objections. 13:31:04
. 2	that height. 53:29:22	2 BY THE WITNESS: 13:31:06
3	Q. So four feet in and of itself was not a 13:29:22	3 A. Probably the lower levels of cupboards 13:31:06
4	problem? 33:29:24	4 or paratries. It depends on how good you are about 13:31:10
5	A. No. 13:29:24	5 storing foods, whether you keep them is containers 13:31:14
6	Q. But it would be a problem for rudents, 13:29:24	6 which can be penetrated by the roseñes or in 13.31(20)
7	right? 13:29:28	; 7 plastic. 13:31:24
8	A. Yeah, Plug it into the other wall where 13,29;28	8 BY MR. KOPEL: 13:31:24
9	it faces the counterrop would be 13(29)30	9 Q. Doctor, I know you've described yourself 13:31:24
10	Q. And I want to get to that in a moment, 13:29:32	10 as an obsessive compulsive biologist. Do you know 13:31:26
11	that's the last part of your sentence here. What 13:29:36	11 if people who are not biologists at all, do you 13:31:34
12	ubout reaches, what height would it need to be 13:29:38	12 know if they rypically are very careful about 13:31:40
13	plagged in for touches? 12:29:40	13 patting away all their fond or if that you know, 13:31:44
14	MR. OSTORC: Object to form, foundation. 13:29:44	14 food might be open sometimes that's in the paintry? 13:35:48
15	incoraplete hypothetical, but go uhead. 13:29:44	15 A. That depends whether you're desiring with [13,31;50]
16	BY THE WITNESS: 13:29:46	16 people with OCD or people who were raised - you 13:31:52
17		
18	A. I thankfully have lead very little to do 13:29:48 with reaches in any lifetime in my homes. My heat 13:29:50	17 know, how they were raised with affect how they 13:31:54 18 deal with these things. The seen every level of 13:31:56
		•
19	understanding is that they are usually confined to 13.29.58	19 extreme in my lifetime in other people's homes. 12:32:00
20	floor and under the sinks and damp places, but I'm 13:30:(8)	20 Q. But even if front is in the pourty, 13:32:02
21	sure that they have accasionally heen found to get 13:30:06	27 unless it's very tightly scaled, any of the pests 13:32:08
22	into cupboards and across counters, but I don't 13:30:10	22 that we mentioned, ants, spiders, maches, toles, 13:32:12
23	know (lat firsthend. 15:30:12	23 rais, they can all get to it, is that correct? 13.32.18
24	BY MR KOPEL: 13:30:14 Page 126	24 MR. OSTOJIC: Incomplete hypothesical, but go 13:32:20 Page 12
		, suge 12
1	as an arrangement of the second	
-	Q. If a cupbourd is closed, can an 13:30:14	I alcad. 13(32(20)
2	Q. If a cupboard is closed, can an 15:30:14  ultrasonic sounds wave penetrate the cupboard to 13:30:16	1 alread. (3:32:20 2 SY THE WITNESS: (3:32:24
2	ultrusonic sounds wave penetrate the cupboard to $=13;\!30;\!16$	2 BY THE WITNESS: (3:32:24
2 3	ultrusonic sounds wave penetrate the cupboard to 13:30:16 get all a roach lital's inside the cupboard? 13:30:20	2 BY THE WITNESS: \$3:32:24 3 A. It depends what you scaled it in, but 13:32:24
2 3 4	ultrusortic sounds wave penetrate the cupboard to $-13:30:16$ get all a roach Bail's inside the cupboard? $-13:30:20$ A. No $-13:30:22$	<ul> <li>2 SY THR WITNESS: (3:32:24</li> <li>3 A. It depends what you scaled it in, but 13:32:24</li> <li>4 yes. 13:32:26</li> </ul>
2 3 4 5	ultrasonic sounds wave penetrate the cupboard to 13:30:16 get all a roach litar's inside the cupboard? 13:30:20 A. No 13:30:22 Q. Some question for sodents? 13:30:22	<ol> <li>SY THR WITNESS: (3:32:24)</li> <li>A. It depends what you sealed it in, but 13:32:24</li> <li>yes: 13:32:26</li> <li>BY MR. KOPEL: (3:32:26)</li> </ol>
2 3 4 5 6	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get all a roach litar's inside the cupboard? 13:30:20 A. No. 13:30:22 Q. Same question for sodents? 13:30:22 A. No. 13:30:26	<ul> <li>2 SY THR WITNESS: (3/32/24)</li> <li>3 A. It depends what you sealed it in, but 13/32/24</li> <li>4 yes. 13/32/26</li> <li>5 BY MR. KOPEL: 13/32/26</li> <li>6 Q. What about underneath a sink? 13/32/26</li> </ul>
2 3 4 5 6 7	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20 A. No 13:30:22 Q. Some question for sodents? 13:30:22 A. No. 13:30:26 Q. Same question for arrs? 13:30:26	<ul> <li>2 SY THR WITNESS: (3/32/24)</li> <li>3 A. It depends what you scaled it in, but 13/32/24</li> <li>4 yes. 13/32/26</li> <li>5 BY MR. KOPEL: 13/32/26</li> <li>6 Q. What about underneath a sink? 13/32/26</li> <li>7 Undernoath a sink typically in most people's 13/32/32</li> </ul>
2 3 4 5 6 7 8	Ultrasortic sounds wave penetrate the cupboard to   13:30:16     get all a roach litar's inside the cupboard?   13:30:20     A. No.   13:30:22     A. No.   13:30:26     A. No.   13:30:26     Q. Same question for arrs?   13:30:26     A. No.   13:30:28	2 SY THR WITNESS: (3:32:24) 3 A. It depends what you scaled it in, but 13:32:24 4 yes. 13:32:26 5 BY MR. KOPEL: (3:32:26) 6 Q. What about underneath a sink? (13:32:26) 7 Undernoath a sink typically in most people's 13:32:32 8 kirchens there is kind of a supboard, is that 13:32:36
2 3 4 5 6 7 8	Ultrusortic sounds wave penetrate the cupboard to   13:30:16     get all a roach lital's inside the cupboard?   13:30:20     A.   No	<ul> <li>2 SY THR WITNESS: (3/32/24)</li> <li>3 A. It depends what you sealed it in, but 13/32/24</li> <li>4 yes. 13/32/26</li> <li>5 BY MR. KOPEL: (13/32/26)</li> <li>6 Q. What about underneath a sink? (13/32/26)</li> <li>7 Underneath a sink typically in most people's 13/32/36</li> <li>8 kirchens there is kind of a supboard, is that 13/32/36</li> <li>9 right? Is that your experience? (13/32/36)</li> </ul>
2 3 4 5 6 7 8 9	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get all a roach litar's inside the cupboard? 13:30:20 A. No. 13:30:22 Q. Same question for sodents? 13:30:22 A. No. 13:30:26 Q. Same question for anrs? 13:30:26 A. No. 13:30:28 Q. Same question for spiders? 13:30:28 A. No. 13:30:32	2 SY THR WITNESS: (3/32/24) 3 A. It depends what you sealed it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneuth u sink? 13/32/26 7 Underrosath a sink typically in most people's 13/32/32 8 kirchens there is kind of a suphoard, is that 13/32/36 9 right? Is that your experience? 13/32/38
2 3 4 5 6 7 8 9 10	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20 A. No 13:30:22 Q. Same question for sodents? 13:30:22 A. No. 13:30:26 Q. Same question for arrs? 13:30:26 A. No. 13:30:28 Q. Same question for spidors? 13:30:28 Q. Same question for spidors? 13:30:28 Q. Would you expect that in the event of an 13:30:32	2 SY THR WITNESS: (3/32/24) 3 A. It depends what you scaled it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneath a sink? 13/32/26 7 Undernoath a sink typically in most people's 13/32/32 8 kirchens there is kind of a supboard, is that 13/32/36 9 right? Is that your experience? 13/32/38 10 A. An access for the piping, yes. 13/32/38 11 Q. Right. So if that cuphoard is not open, 13/32/40
2 3 4 5 6 7 8 9 10 11 J2	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get all a roach litar's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for ans? 13:30:26  A. No. 13:30:28  Q. Same question for spiders? 15:30:28  A. No. 13:30:52  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40	2 SY THR WITNESS: (3/32/24) 3 A. It depends what you sealed it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: (3/32/26) 6 Q. What obout underneath a sink? (13/32/26) 7 Underneath a sink typically in most people's 13/32/36 8 kirchens there is kind of a supboard, is that 13/32/36 9 right? Is that your experience? (13/32/36) 10 A. An access for the piping, yes. 13/32/38 11 Q. Right. So if that cuphoard is not open, 13/32/40 12 would the ultrusonic waves from a device he able to 13/32/44 13 get inside there? (13/32/48)
2 3 4 5 6 7 8 9 10 11 J2 J3	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for ans? 13:30:28  Q. Same question for spidors? 13:30:28  Q. Same question for spidors? 13:30:28  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, bat 13:30:42	2 SY THR WITNESS: (3/32/24) 3 A. It depends what you sealed it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneath a sink? 13/32/26 7 Underrocath a sink typically in most people's 13/32/32 8 kirchens there is kind of a supboard, is that 13/32/36 9 right? Is that your experience? 13/32/38 10 A. An access for the piping, yes. 13/32/38 11 Q. Right. So if that cuphoard is not open, 13/32/40 12 would the ultrusonic waves from a device he able to 13/32/44 13 get inside there? 15/32/48 14 A. No. 13/32/50
2 3 4 5 6 7 8 9 10 11 J2 J3 14	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for arrs? 13:30:26  A. No. 13:30:28  Q. Same question for spidors? 13:30:28  Q. Same question for spidors? 13:30:28  A. No. 13:30:32  Q. Would you expect that in the event of an 13:30:32 infestation, a cupboard would be a typical place 13:30:38 where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, but 13:30:42 go ahead. 13:30:44	2 SY THR WITNESS: (3/32/24) 3 A. It depends what you scaled it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneath a sink? 13/32/26 7 Undernoath a sink typically in most people's 13/32/32 8 kirchens there is kind of a capboard, is that 13/32/36 9 right? Is that your experience? 13/32/38 10 A. An access for the piping, yes. 13/32/38 11 Q. Right. So if that cuphoard is not open, 13/32/40 12 would the ultrusonic waves from a device he able to 13/32/44 13 get inside there? 13/32/48 14 A. No. 13/32/50 15 Q. So if reaches are living underneath the 13/32/52
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside (ac cupboard? 13:30:20  A. No 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for arrs? 13:30:26  A. No. 13:30:28  Q. Same question for spiders? 13:30:28  Q. Same question for spiders? 13:30:28  Q. Would you expect that in the event of an 13:30:32  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, bat 13:30:42 go ahead. 13:30:44  BY THE WITNESS: 13:30:44	2 SY THR WITNESS: (3/32/24) 3 A. It depends what you scaled it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneuth a sink? 13/32/26 7 Undernoath a sink typically in most people's 13/32/36 9 right? Is that your experience? 13/32/36 9 right? Is that your experience? 13/32/36 10 A. An access for the piping, yes. 13/32/38 11 Q. Right. So if that cuphoard is not open, 13/32/40 12 would the ultrusonic waves from a device he able to 13/32/44 13 get inside there? 15/32/48 14 A. No. 13/32/36 15 Q. So if reaches are living underneuth the 13/32/52 16 sink, would the Bell & Howell repellers be 13/32/56
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get all a roach litar's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for ans? 13:30:26  A. No. 13:30:28  Q. Same question for spiders? 13:30:28  A. No. 13:30:32  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, but 13:30:42 go ahead. 13:30:44  BY THE W/FNRSS: 13:30:48	2 SY THE WITNESS: (3/32/24) 3 A. It depends what you sealed it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneuth u sink? 13/32/26 7 Undercoath a sink typically in most people's 13/32/32 8 kirchens there is kind of a supboard, is that 13/32/36 9 right? Is that your experience? 13/32/38 10 A. An access for the piping, yes. 13/32/38 11 Q. Right. So if that cupboard is not open, 13/32/40 12 would the ultrusonic waves from a device he able to 13/32/44 13 get inside there? 13/32/48 14 A. No. 13/32/36 15 Q. So if reaches are living underneuth the 13/32/56 16 sink, would the Bell & Howell repellers be 13/32/56 17 effective at deleing thou out? 13/33/102
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get all a roach litar's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for ans? 15:30:26  A. No. 13:30:28  Q. Same question for spidors? 13:30:28  Q. Same question for spidors? 13:30:28  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, bal 13:30:42 go ahead. 13:30:44  BY THE WYPNESS: 13:30:48  thing you'd do is take all the foods out of that 13:30:50	2 SY THE WITNESS: (3/32/24) 3 A. It depends what you scaled it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneuth u sink? 13/32/26 7 Underneath a sink typically in most people's 13/32/32 8 kirchens there is kind of a capboard, is that 13/32/36 9 right? Is that your experience? 13/32/38 10 A. An access for the piping, yes, 13/32/38 11 Q. Right. So if that cuphoard is not open, 13/32/40 12 would the ultrusonic waves from a device he able to 13/32/44 13 get inside there? 13/32/48 14 A. No. 13/32/38 15 Q. So if reaches are living underneuth the 13/32/52 16 siok, would the Bell & Howell repellers be 13/32/56 17 effective at driving theorous? 13/33/02 18 MR. OSTORIC: Object to incomplete 13/33/04
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for arrs? 13:30:28  Q. Same question for arrs? 13:30:28  Q. Same question for spidors? 13:30:28  A. No. 13:30:32  Q. Would you expect that in the event of an 13:30:32 infestation, a cupboard would be a typical place 13:30:38 where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, but 13:30:42 go ahead. 13:30:44  BY THE WYFNESS: 13:30:48 thing you'd do is take all the foods out of that 13:30:50 cupboard and throw them away. 13:30:52	2 SY THR WITNESS: (3/32/24  3 A. It depends what you scaled it in, but 13/32/24  4 yes. 13/32/26  5 BY MR. KOPEL: 13/32/26  6 Q. What about underneath a sink? 13/32/26  7 Undernoath a sink typically in most people's 13/32/32  8 kirchens there is kind of a capboard, is that 13/32/36  9 right? Is that your experience? 13/32/38  10 A. An access for the piping, yes. 13/32/38  11 Q. Right. So if that emphoard is not open, 13/32/40  12 would the ultrusonic waves from a device he able to 13/32/44  13 get inside there? 15/32/48  14 A. No. 13/32/36  15 Q. So if reaches are living underneath the 13/32/52  16 siok, would the Bell & Howell repellers be 13/32/56  17 effective at driving them out? 13/33/02  18 MR. OSTOTIC: Object to incomplete 13/33/04  19 hypothetical, but go aboad. 13/33/06
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	ultrusoric sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside (ac cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for anns? 13:30:26  A. No. 13:30:28  Q. Same question for spiders? 13:30:28  Q. Same question for spiders? 13:30:28  Q. Would you expect that in the event of an 13:30:32  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you raight find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, bal 13:30:42 go ahead. J3:30:44  BY THE WITNESS: 13:30:48  thing you'd do is take all the foods out of that 13:30:50 cupboard and throw them away. 13:30:52  BY MR. KOPEL: 13:30:54	2 SY THE WITNESS: (3/32/24  3 A. It depends what you scaled it in, but 13/32/24  4 yes. 13/32/26  5 BY MR. KOPEL: 13/32/26  6 Q. What about underneuth a sink? 13/32/26  7 Undernoath a sink typically in most people's 13/32/36  9 right? Is that your experience? 13/32/36  9 right? Is that your experience? 13/32/36  10 A. An access for the piping, yes. 13/32/38  11 Q. Right. So if that cuphoard is not open, 13/32/40  12 would the ultrusonic waves from a device he able to 13/32/44  13 get inside there? 15/32/48  14 A. No. 13/32/36  15 Q. So if reaches are living underneuth the 13/32/56  16 siok, would the Bell & Howell repellers be 13/32/56  17 effective at driving them out? 13/33/02  18 MR. OSTORC: Object to incoruplete 13/33/04  19 hypothetical, but go ahead. 13/33/06
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 2J	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get all a roach litar's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for ants? 13:30:28  Q. Same question for spidors? 13:30:28  Q. Same question for spidors? 13:30:28  A. No. 13:30:32  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, bal 13:30:42  BY THE WITNESS: 13:30:48  A. I think, if you did, that the first 13:30:48  thing you'd do is take all the foods out of that 13:30:50  cupboard and throw them away. 13:30:52  BY MR. KOPEL: 13:30:54  Q. That seems sensible, yes. But would 13:30:54	2 SY THE WITNESS: (3/32/24  3 A. It depends what you sealed it in, but 13/32/24  4 yes. 13/32/26  5 BY MR. KOPEL: 13/32/26  6 Q. What about underneuth u sink? 13/32/26  7 Underrocath a sink typically in most people's 13/32/32  8 kirchens there is kind of a supboard, is that 13/32/36  9 right? Is that your experience? 13/32/38  10 A. An access for the piping, yes. 13/32/38  11 Q. Right. So if that cuphoard is not open, 13/32/40  12 would the ultrusonic waves from a device he able to 13/32/44  13 get inside there? 15/32/48  14 A. No. 13/32/38  15 Q. So if roaches are living underneuth the 13/32/52  16 siok, would the Bell & Howell repellers be 13/32/56  17 effective at driving them out? 13/33/02  18 MR. OSTOJIC: Object to incoraplete 13/33/06  19 hypothetical, but go ahead. 13/33/06  20 BY THE WITNESS: 13/33/06
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for ans? 18:30:26  A. No. 13:30:28  Q. Same question for spidovs? 13:30:28  A. No. 13:30:32  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, but 13:30:42 go ahead. 13:30:44  BY THE WITNESS: 13:30:48  thing you'd do is take all the foods out of that 13:30:50 cupboard and throw them away. 13:30:54  Q. That seems sensible, yes. But would 13:30:54  that he a typical place where you might actually 13:30:56	2 SY THE WITNESS: (3/32/24) 3 A. It depends what you sealed it in, but 13/32/24 4 yes. 13/32/26 5 BY MR. KOPEL: 13/32/26 6 Q. What about underneuth u sink? 13/32/26 7 Underroath a sink typically in most people's 13/32/32 8 kirchens there is kind of a capboard, is that 13/32/36 9 right? Is that your experience? 13/32/38 10 A. An access for the piping, yes, 13/32/38 11 Q. Right. So if that cuphoard is not open, 13/32/40 12 would the ultrusonic waves from a device he able to 13/32/44 13 get inside there? 13/32/48 14 A. No. 13/32/38 15 Q. So if reaches are living underneuth the 13/32/52 16 siok, would the Bell & Howell repellers be 13/32/56 17 effective at diving them out? 13/33/06 18 MR. OSTYDIC: Object to incomplete 13/33/06 19 hypothetical, but go ahead. 13/33/06 20 BY THE WITNESS: 13/33/06 21 A. Open the doors and point the repeller at 13/33/06 22 them. 13/33/10
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for arrs? 13:30:28  Q. Same question for applicas? 13:30:28  Q. Same question for spidoss? 13:30:28  A. No. 13:30:32  Q. Would you expect that in the event of an 13:30:32 infestation, a cupboard would be a typical place 13:30:38 where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, but 13:30:42 go ahead. 13:30:44  BY THE WITNESS: 13:30:48 thing you'd do is take all the foods out of that 13:30:50 cupboard and throw them away. 13:30:52  BY MR. KOPEL: 13:30:54  Q. That seems sensible, yes, But would 13:30:54 that he a typical place where you might actually 13:30:56 find these pests in the event of a home 13:31:00	2 SY THE WITNESS: (3/32/24  3 A. It depends what you scaled it in, but 13/32/24  4 yes. 13/32/26  5 BY MR. KOPEL: 13/32/26  6 Q. What about underneath a sink? 13/32/26  7 Undernoath a sink typically in most people's 13/32/32  8 kirchens there is kind of a capboard, is that 13/32/36  9 right? Is that your experience? 13/32/38  10 A. An access for the piping, yes. 13/32/38  11 Q. Right. So if that cuphoard is not open, 13/32/38  12 would the ultrusonic waves from a device he able to 13/32/40  13 get inside there? 13/32/48  14 A. No. 13/32/50  15 Q. So if reaches are living underneath the 13/32/52  16 siok, would the Bell & Howell repellers be 13/32/56  17 effective at driving them ont? 13/33/02  18 MR. OSTVITC: Object to incomplete 13/33/06  19 hypothetical, but go ahead. 13/33/06  20 BY THE WITNESS: 13/33/06  21 A. Open the doors and point the repeller at 13/33/06  22 them. 13/33/10
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	ultrusortic sounds wave penetrate the cupboard to 13:30:16 get at a roach that's inside the cupboard? 13:30:20  A. No. 13:30:22  Q. Same question for sodents? 13:30:22  A. No. 13:30:26  Q. Same question for ans? 18:30:26  A. No. 13:30:28  Q. Same question for spidovs? 13:30:28  A. No. 13:30:32  Q. Would you expect that in the event of an 13:30:32  infestation, a cupboard would be a typical place 13:30:38  where you might find any of these pests? 13:30:40  MR. OSTOJEC: Object to form, foundation, but 13:30:42 go ahead. 13:30:44  BY THE WITNESS: 13:30:48  thing you'd do is take all the foods out of that 13:30:50 cupboard and throw them away. 13:30:54  Q. That seems sensible, yes. But would 13:30:54  that he a typical place where you might actually 13:30:56	2 SY THE WITNESS: (3/32/24  3 A. It depends what you scaled it in, but 13/32/24  4 yes. 13/32/26  5 BY MR. KOPEL: 13/32/26  6 Q. What about underneath a sink? 13/32/26  7 Undernoath a sink typically in most people's 13/32/32  8 kirchens there is kind of a capboard, is that 13/32/36  9 right? Is that your experience? 13/32/38  10 A. An access for the piping, yes. 13/32/38  11 Q. Right. So if that cuphoard is not open, 13/32/38  12 would the ultrusonic waves from a device he able to 13/32/40  13 get inside there? 13/32/48  14 A. No. 13/32/30  15 Q. So if reaches are living underneath the 13/32/52  16 siok, would the Bell & Howell repellers be 13/32/56  17 effective at driving them ont? 13/33/02  18 MR. OSTVITC: Object to incomplete 13/33/06  19 hypothetical, but go ahead. 13/33/06  20 BY THE WITNESS: 13/33/06  21 A. Open the doors and point the repeller at 13/33/06  22 them. 13/33/10  23 BY MR. KOPEL: 13/33/10  24 Q. I see. So under those circumstances, 13/33/10

270		-	
	you would need to keep those doors open, okay. 13:33:12	1	says deposition of Sandra Bueno, top left 13:36:04
2	A. I mean that's common sense. 13:33:20	2	corner lop left quadrant? 13:36:08
3	Q. But in this instance, you don't think 13:33:28	3	A. Uh-huh. 13:36:08
4	the fact that Ms. Buono plugged it in four feet. 13:33:30	4	Q. So you recognize this to be a deposition 13:36:10
5	above floor level caused her to witness an ant 13:33:34	5	transcript? [3:36:12.
5	infestation, is that right? 13:33:38	6	A. Yes. 13:36:12
S	<ul> <li>A. It didn't cause her to witness it, and 13:33:40</li> </ul>	87	Q. And you read this, right? Maybe perhaps 13:36:12
i	it didn't remove it because it was pointed the 13:33:42	8	not in this form, but you read the deposition 13:36:14
	wrong direction. 13:33:44	9	transcript? 13:36:16
)	Q. And I promise we're going to get to it. 13:33:46	10	A. Right. 13:36:18
	okay. We're about to get to that. Four feet, is 13:33:48	11	Q. Okay. In order to save time you 13:36:28
	that kind of is that immaterial in terms of 13.33:52	12	didn't reference where you got each of these 13:36:32
	diagnosing the source of Ms. Bueno's issue? 13:33:54	13	issues. You've identified where in the transcript 13:36:36
	A. Probably. 13:33:58	14	they are, but I'll direct you beginning on page 56. 13:36:38
	Q. Why did you put it in this paragraph? 13:34:00	15	Fach quadrant of the page is a new page you'll see. 13:36:44
ĵ.	A. Well, it reminds me that it was on top 13:34:04	16	A. Right. 13:36:48
7	of the counter. 13:34:06	17	Q. And that's where she begins to discuss 13:36:48
	Q. Okay. 13:34:08	18	placement of the units. 13,36;50
	A. That's what determined the height of the 13:34:08	19	Okay. So do you see on page 56, lines 13:37:02
ì	outlet. And, yes, it's the right thing to do for 13:34:10	20	16 to 17, Ms. Bueno testifies that she plugged the 13:37:10
į.	ants on the enunter except that it wasn't pointed. 13:34:16	21	unit it "in the wall between my kitchen and my 13:37:16
2	in the right direction. 13:34:18	22	dining room, the left side of my unit," do you see 13:37:20
3	Q. I'll show you the transcript. I think 13:34:20	23	that? 13:37:22
4	you might be mixing her up with Ms. Han, but I'm 13:34:22	24	A. Yes. 13:37:22
	Page 130		Page 1
		-	
10	happy to show you the transcript, and it will 13:34:24	1	Q. And on line 20 she identifies that the 13:37:22
	happy to show you the transcript, and it will 13:34:24 refresh your recollection, but I'll represent to 13:34:30	1 2	Q. And on line 20 she identifies that the 13:37:22 outlet was located – it was in a regular outlet in 13:37:28
2	2587)		(5)
2	refresh your recollection, but I'll represent to 13:34:30	2	outlet was located - it was in a regular outlet in 13:37:28
3	refresh your recollection, but I'll represent to 13:34:30 you that Ms. Hart was the one who plugged it in on 13:34:30	3	orallet was located – it was in a regular outlet in 13:37:28 the middle of the wall, do you see that? 13:37:32  A. Yes, but does the middle of the wall 13:37:34
2 4 5	refresh your recollection, but I'll represent to 13:34:30 you that Ms. Hart was the one who plugged it in on 13:34:30 the counter, Ms. Bueno plugged it in four feet, I 13:34:34	3 4	orallet was located – it was in a regular outlet in 13:37:28 the middle of the wall, do you see that? 13:37:32  A. Yes, but does the middle of the wall 13:37:34
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2 4 5 7 3 9	refresh your recoilection, but I'll represent to 13:34:30 you that Ms. Hart was the one who plugged it in on 13:34:30 the counter, Ms. Bueno plugged it in four feet, 1 13:34:34 believe, in a wall, and I'll show you the 13:34:38 transcript. 13:34:40 A. Okay. 13:34:40 Q. You know what, let me show it to you 13:34:44	2 3 4 5 6 7 8	oralet was located – it was in a regular outlet in 13:37:28 the middle of the wall, do you see that? 13:37:32  A. Yes, but does the middle of the wall 13:37:34 mean middle of the height between the floor and an 13:37:36 eight-foot ceiling which is what I assumed that it 13:37:40 meant? 13:37:42  Q. Well, you don't need to – 13:37:42
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2 3 4 5 5 7 3 4 5 6 7	refresh your recollection, but I'll represent to 13:34:30 you that Ms. Hart was the one who plugged it in on 13:34:30 the counter, Ms. Bueno plugged it in four feet, I 13:34:34 believe, in a wall, and I'll show you the 13:34:38 transcript. 13:34:40 A. Okay. 13:34:40 Q. You know what, let me show it to you 13:34:44 right now. 13:34:46 MR. KOPFL: I'll ask the Court Reporter to 13:34:58 please mark as Exhibit Whirford 5 the deposition 13:35:14 (WHEREUPON, a certain document was 13:35:14 marked Whitford Deposition Exhibit No. 5. for identification, as of 01/12/2018.) By MR. KOPEL:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the middle of the wall, do you see that?  A. Yes, but does the middle of the wall. 13:37:34  mean middle of the height between the floor and au 13:37:36  cight-foot ceiling which is what I assumed that it 13:37:40  rueunt?  13:37:42  Q. Well, you don't need to 13:37:42  A. Next to your light switches: 13:37:44  Q. Well, she identifies on page 57 and 13:37:44  this is an estimate, I believe. She says on 13:37:48  page 57, line 14, she says about four feet. Do you 13:37:50  see that?  13:37:56  A. Okay.  13:37:56  A. Four feet from ground level. I'm not 13:38:06  sure what you're asking about. 13:38:10
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2 3 4 4 5 6 6 7 8 8 9 9 1 1 1 2 3 4 4 6 6 7 7 8 8 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	refresh your recollection, but I'll represent to 13:34:30 you that Ms. Hart was the one who plugged it in on 13:34:30 the counter, Ms. Bueno plugged it in four feet, I 13:34:54 believe, in a wall, and I'll show you the 13:34:38 transcript. 13:34:40 A. Okay. 13:34:40 Q. You know what, let me show it to you 13:34:44 right now. 13:34:46 MR. KOPFL: I'll ask the Court Reporter to 13:34:58 please mark as Exhibit Whirford 5 the deposition 13:35:10 transcript of Sandra Bueno. 13:35:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the middle of the wall, do you see that?  A. Yes, but does the middle of the wall 13:37:34  mean middle of the height between the floor and au 13:37:36 eight-foot ceiling which is what I assumed that it 13:37:40 meant?  13:37:42  Q. Well, you don't need to 13:37:42  A. Next to your light switches: 13:37:44  Q. Well, she identifies on page 57 and 13:37:44  this is an estimate, I believe. She says on 13:37:48 page 57, line 14, she says about four feet. Do you 13:37:50 see that?  13:37:56  A. Okay.  13:37:56  A. I'our feet from ground level. I'm not 13:38:06 sure what you're asking about.  Q. Oh. I don't think there is a question 13:38:12 pending right now.  13:38:12
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2 3 3 4 4 5 5 6 6 7 7 8 8 9 9 9 1 1 1 2 2 3 3 4 4 4 5 5 7 7 7 7 7 7 8 8 8 9 9 9 9 1 1 1 1 1 2 1 2 1 1 2 1 2 1 2 1	refresh your recollection, but I'll represent to 13:34:30 you that Ms. Hart was the one who plugged it in on 13:34:30 the counter, Ms. Bueno plugged it in four feet, I 13:34:34 believe, in a wall, and I'll show you the 13:34:38 transcript. 13:34:40 A. Okay. 13:34:40 Q. You know what, let me show it to you 13:34:44 right now. 13:34:46 MR. KOPEL: I'll ask the Court Reporter to 13:34:58 please mark as Exhibit Whirford 5 the deposition 13:35:10 transcript of Sandra Bueno. 13:35:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the middle of the wall, do you see that?  A. Yes, but does the middle of the wall 13:37:34  mean middle of the height between the floor and au 13:37:36  eight-foot ceiling which is what I assumed that it 13:37:40  meant? 13:37:42  Q. Well, you don't need to 13:37:42  A. Next to your light switches: 13:37:44  Q. Well, she identifies on page 57 and 13:37:44  this is an estimate, I believe. She says on 13:37:48  page 57, line 14, she says about four feet. Do you 13:37:50  see that? 13:37:56  A. Okay. 13:37:56  A. Four feet from ground level. I'm not 13:38:06  sure what you're asking about. 13:38:10  Q. Oh, I don't think there is a question 13:38:12  pending right now. 13:38:14  Q. Okay. 13:38:14  Q. Okay. In your report, you said she had 13:38:14  a solid object in front of the unit. Do you recall 13:38:18
2 3 4 4 5 6 6 7 8 9 9 n 1 2 3 4 4 5 6 6 7 8 9 9 n 1 2 3 3 4 5 5 6 7 8 9 9 n 1 2 2 3	refresh your recollection, but I'll represent to 13:34:30 you that Ms. Hart was the one who plugged it in on 13:34:30 the counter, Ms. Bueno plugged it in four feet, I 13:34:34 believe, in a wall, and I'll show you the 13:34:38 transcript. 13:34:40 A. Okay. 13:34:40 Q. You know what, let me show it to you 13:34:44 right now. 13:34:46 MR. KOPFL: I'll ask the Court Reporter to 13:34:58 please mark as Exhibit Whirford 5 the deposition 13:35:10 transcript of Sandra Bueno. 13:35:14 (WHEREUPON, a certain document was 13:35:14 marked Whitford Deposition Exhibit No. 5, for identification, as of 01/12/2018.) By MR. KOPEL: Q. Dr. Whitford, do you have Exhibit 5? 13:35:34 A. 1 do now. 13:35:38 Q. Have you seen this hefore? 13:35:46	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the middle of the wall, do you see that?  A. Yes, but does the middle of the wall 13:37:34 mean middle of the height between the floor and au 13:37:36 eight-foot ceiling which is what I assumed that it 13:37:40 meant? 13:37:42  Q. Well, you don't need to 13:37:42  A. Next to your light switches. 13:37:44  Q. Well, she identifies on page 57 and 13:37:44  this is an estimate, I believe. She says on 13:37:48 page 57, line 14, she says about four feet. Do you 13:37:50 see that? 13:37:56  A. Okay. 13:37:56  A. Four feet from ground level. I'm not 13:38:06 sure what you're asking about. 13:38:10  Q. Oh. I don't think there is a question 13:38:12 pending right now. 13:38:14  Q. Okay. In your report, you said she had 13:38:14

	<del></del> -	_	
í	Q. And if it helps refresh your 13:38:32		Go short space, right? 13:42:50
2	recollection, I believe pages 59 and 60 talk about 13:38:34	2	A. Yes. 13:42:50
3	what was located in the room. \$\ 13:38:40	3	Q. Okay. Because on the other side of 13:42:50
4	A. Okay. So she says on the same side as 13:39:46	4	counter the sound waves can't reach, right? 13:42:52
5	the kitchen window. The trying to figure out where 10:39:48	5	A. Right. 13/42.54
6	the bar is relative to the kitchen. The bar she = \$3:40(20)	6	Q. And even to the right and to the left of \$3342,54
7	sets things on, I was assuming that meant - 13(40)32	7	that bur, the sound waves out't reach, right? 13(42;58)
8	Q. So the burkers - my understanding of 13:40:34	8	A. Yes. 13:43:00
9	the testimony is it's in between the kitchen and 13:40:36	9	Q. Do you have a setup like that in your 13:43:02
10	the dining room. That's on page 56, line 16. 3/8: 13:40:40	10	kitehen? 13:43:16
111	the wall between her kitchen and her disting room. 13:40:50	51	A. Absolutely, 13:43:16
12	Hore, if you look at line 23, "What separates the 13:40:56	12	MR. OSTOJIC: Object to Kuraj 13:43:18
1.3	kitchen from the disting motor is a counter. You 13:40:58	13	BY MR. KOPEL: 13:43:18
14	have the counter, then you have a ressed counter 13:40:58	14	Q. So you have - can you describe your 13:43:18
15	take a bar where you can put har stools or 13;41;90	15	
16	semething." Question, "So peninsula?" 13:41:02	16	A. It is connected to the main dining room 13:43:26
17	A. Okay. So the question is, is that 13:41:06	17	and fiving room with a barrier coming off to the 13:43.28
18	interfering with the height of the plugged in unit? 13:41:08	18	right hand of the stoves and ovens and up to the 13.43:36
19	It's a raised bar next to the counter potentially 13:41:20	19	wall, a diagonal piece with a sink and then heading 13:43:42
20	hlocking, 13:45:24	20	directly across at a height suitable for having bar 13:43:46
21	Q. Okay. So take a look at page 57 here 13:41:42	23	
22	starting on line 3: "You're in the kileiron, there 13:41:50	22	conversation while you're working on things in the 13:43:54
23	is the counter that you use to prepare your food, 13:41:52	23	kitchen, a dishwasher underneath it, and then 13:43:54
24	and then raised up is another formica counter which 13:41:54		everything to the north is counter, windows, walls 13,43;58
:-"	Page 134		Page 126
	is higher where you can put but stooks on the other 13:41:58	1	around to the back. 13:44:02
2	side, you know what I'm saying?" "Yes To the 13:42:00	2	Q. Okay, thank you, that's helpful. If you 13:44:04
	left of that is an outlet for a phone or whatever, 13:42:02	'	winted to use the Bell & Howell repellers 13:44:06
4	blender, whatever, and that's where I just it right 13.42;06	4	effectively in your kitchen, how many units would 13:44:10
5	there." 13:42:08	١	you need? 13:44:12
6	A. To the left of that counter on the wall = 13:42:08	6	A. There are three changes in height, so \$ 13:44.20
7	of the kitchen above the counter means that it's 13:42:12	7	would suggest three, but it's a very large kitchen, 13:44:24
8	blocked. 13:42:14	8	I would use that anyway. 13:44:28
9	Q.—So, in other words, the obstruction — 13:42:16	9	Q. Do you know how many square feet it is? 13:44:28
50	you're referring to was that there was a bar in her. 13:42:18	30	A. As I say, it's continuous with my main 13:44:32
11	house? 13(42.24	11	living room and dining room. 13:44:34
. 12	A. Ruised high enough to be a harrier to 13,42:24	12	Q. Okay. 13:44;36
i3	the sound moving in the direction of the living 13(42.28)	13	A. That entire space is well over (5500 = 53:44:38
14	100m. 15:42:30	Ιć	square feet. 13:44:40
15	Q. Understood. So the unit is plugged in 13:42:32	15	Q. And you think three units could cover 13:44:42
16	in the room, but because there is kind of a 13:42:34	16	that space, or we're just talking about the kitchen 13:44:44
17	poninsula in the room, a peninsula of conner 13:42:38	17	arca? 13:44:46
18	space, it can't 13:42 49	18	A. We're just talking about the kitchen 13:44:46
19	A. It's directing it just across the 13 42:42.	. 19	area. 13(44.48
20	short $-$ 13:42:42	20	Q. Okay. Do you know what the square 13:44:48
2:	MR. OSTORC: Wait, wait. !3.42)46	21	footage of the kitchen is? 13)44;50
22	MR. KOPEL: All right, that's fine. 15:42:46	22	A. 450. 13:44:56
23	BY MR. KOPEL: 13:42:46	23	Q. Okay. So now sells move on to what 1 13:44:58
24	Q. You said it's directing that just across 13:42:46		halieve is your ~ oit, we're not up to your 13:45.06
l	Page 135		Page 137

1			<del></del>
1	favorste part yet. You say here, "Once site scaled 13:45:12	ı	(WHRRELIPON, a certain document was 13:48:06
: ;	the ceiling crack where the arts were entering, she 13:45.18	2	marked Whitford Deposition Exhibit
1	had only a few ants that she felt entered from \$13:45:20	3	No. 6, for identification, as of
4	oatside gear/vja the kitchen window." 13:45:22	4	01/12/2018.)
:	Okey. So did Fread that entreetly? 13:45:24	5	BY MR. KOPEL:
ú	i - A. Yes. 13:45:28	6	Q. Okay. Can you please well, first of 13:48:40
	Q. Can you look at page 53 of the 12:45:30	7	all, do you have Exhibit 6? 13:48:42
; ;	deposition transcript, pleuse? Are you en page 53? 13:45:34	8	A. Jife. 13.48914
į,	I A. Yes. 13:45:46	9	Q. Have you seen it before? 13:48:44
10	Q. Line 12 reads, "Ants coming in through 13:45:46	:0	A. Yes. 13:48:44
1:	my walk and across the ceiling into my kitchen, a 13:45:48	11	Q. What is it? 13:48:46
12	lot of them 13:45:52	12	A. Deposition of Joanne Hart. 13:48:48
L):	MR, ОSTOЛС: Wait. 13:45:52	13	Q. Okay, great. Can you please turn to 13:46:50
1		14	page 779 13:48:54
1:	5 A. No, not in this one. 13:45:54	. 15	Okay. Starting at line 3 Ms. Bart 13:49:08
1	5 BY MR. KOPBL: 13:45:54	:	identifies that it was plugged into an ourlet 13:49.10
1		I	hetween a sliding glass door and an entertainment 15:49:14
1:	. , , , .	l	conter, but it had no obstruction, do you see that? 13:49:16
1'		19	A. Yos, 1 do. 13:49:18
21		20	Q. Okay. When you stated obstruction 13:49:20
2	•	21	
: 2:	• ••		center that's next to it? 13:49:26
2		23	A. Well, she also says she had two in the 13:49:28
i	4 BY MR. KOPEL: 13:46:18	l	living room which are more likely to bothe ones 13:49:30
-	Page 138	-	Page 140
		١.	
	I Q % that a yes? 13:46:18		Pm concerned with. 13:49:34
	C A. Yes. 13:46:20	2	Q. Okay. Where are you looking right now? 13:49:34
	Q. And under those circumstances, it's your 13:46:26		At line 11, right? 13:49:38
	4 opinion Ms. Buenn couldn't have expected the 13:46:30	4	
	repeller to work because it exp't possibly repel or 13:46:34	5	Q. Okay, Then one was on the counter in 13:49:40
-	6 drive our pesus that are coming in from the same 13:46:38		the kitchen, do you see that? 13:49:44
	7 wall that it's pingged into, is that right? 13 46:44	7	
:	8 A. There is that, and it wasn't cortainly 13:46:46	. 8	12 /
	9 going to stop them from coming in from the dining 13,46:48	İ	you see that? 13:49:48
1	0 route because it wasn't pointed there. 13:46:50	10	A. Okuy. 13:49:48
ı		11	Q. So without I mean can you identify 13:49:56
I	2 Ma. Harr, in the interest of time, do you remember 13:47:20	12	what the obstruction you are referring to is, or = 13:50:00
1	, ., .	13	aze you not able to right now? 13:50:02
:1		J4	A. I would have to go through. 13:50;64
3	• •	15	Q. Well, okuy, hold on. Actuality, let's go. 13:50:06
1	6 something that was blocking it. 13:47.54	l	hack. 13:50:08
]		17	A. "Was there furnituse along that wall?" 13:50:08
1	8 Hopefully we can find it without wasting too much = 13:48:00	18	
D	9 tijnse. 13:48:02	19	
2	MR, KOPEL: 1'll ask the Court Reporter to 13:48:02	20	Q. Serry to beterrapt you. 1 think I found 13:50:14
2	1 please mark as Exhibit 6 the deposition of Joanne 13:48:04	2.1	what might be what you've sooking for. Take a look 13:50:16
2	2 Hart. 13:48:06	22	ar page 76, please, starring with line 16; 13:50:16
2	3	23	Question: "What kind of furniture did you have in 13:50:24
12		2.1	
- 1 -	4 Page 139	24	your living room?" Answer, "I have a couch, two 13:50.26 Page (41

1		:	
1	end tables on the couch, a leather chair, a hunge = \$3:50:28	1	So you have Potter Exhibit 37. The only 10:53:02
2	thair, a coffee table, an entertainment center, a = 13:50:32	2	question is do you have Potter Exhibit 3? 13:53:06
3	television." Do you see that? 13:50:32	3	A. I have Potter, yes. 13:53:08
4	A. Uh-hah. 10:50:34	: 4	Q. Yeah, okey. Can you please look at the 13:53:10
5	Q. Is that what you were referring to? 13:50:34	. 5	third page, and actually I'm going to focus you in, 13:53:12
- 6	A. Probably, 15:56(36)	. 6	please, on pages 3, 4, 5 and 6 of this document, 13:53:16
7	Q. So if somebody has all of that foreithic 13,50;38	. 7	and I will represent to you that these actually. 13:53:20
8	in their living room, would that obstruct the 13:50:42	: 8	I don't need to represent them to you, 33:53:24
9	devices and grevent them from being effective? 13:50:52	. 9	Can you please look at page 37 13:53:24
10	MR, OSTOJIC: Object to form, foundation. 13:50:54	10	A. Yes. 13:53:28
11	incomplete hypothetical, but go ahead. 13:50:56	11	Q. I'm sorry, you know what, I miscounted. 13(53;32
12	BY THE WITNESS: 13:50:58	12	
13	A. If would have at least provided what 13:50:58	13	package shipping label here, something was shipped 13:53:46
14	that would have considered a sound studow if that 13:51:02	14	to Michael Donahue? 13:53:52
15	entertainment center was, you know, this far away 13:51:04	15	A. Oh, okay. 13:53:58
16	from the device plugged in hetween the sliding 13:51:08	16	Q. Do you see here there is a photocopy of 13:53:58
17	glass door and it in a narrow space. 13:51:10	17	
18	BY MR. KOPBL: 13:51:14	18	
19	Q. Oh, so if the outlet – so the outlet is 13:51:14	19	A. Yes. 13:54:06
20	located between the glass door and the 13:51:18	20	Q. You see it says, "Contents, three 13:54:06
20	sotoriainment center, even though there is nothing 13:51:20	21	
22	directly in front of it, the fact that file \$3.51.22		new," do you see thul? 13:54:12
23	entertainment center is right user to it, that's 13:51.24	23	A. Yes. 13:54:12
	the problem? 13:51:26	24	
	Page 14		Q. Tain to the next page, please. Do you 13:54:14 Page 144.
:			
	A. It provides partial. \$3:51:26	1	see her here — here is pictures of what the 13:54:18
. 2	A. It provides partial. 33:51:26 Q. Understood. So that's the obstruction. (3:51:28)	1 2	see her here – here is pictures of what the 13:54:18 puckage units look like, do you see that? 13:54:22
. 2	A. It provides partial. \$3:51:26 Q. Understood. So that's the obstruction. \$3:51:28 Okay, thanks for helping me understand. \$13.51:39	1 2 3	see her here – here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24
. 2	A. It provides partial. \$3:51:26 Q. Understood. So that's the obstruction. \$3:51:28 Okay, thanks for helping me understand. \$13.51:30 A. Yesh. \$13.51:32	1 2 3 4	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24
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. 2	A. It provides partial. \$3:51:26  Q. Understood. So that's the obstruction. \$3:51:28  Okay, thanks for helping me understand. \$13.51:30  A. Yeah. \$13.51:32  Q. Now, have you read instruction what \$3:51:36	1 2 3 4	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24
. 2 . 3 4 5	A. It provides partial. \$3:51:26  Q. Understood. So that's the obstruction. \$3:51:28  Okay, thanks for helping me understand. \$13.51:39  A. Yeah. \$13.51:32  Q. Now, have you read instruction wher \$3:51:36  are you basing your statement here shout the \$13:51:40  height at which the repetter is plugged in was \$13:51:44	1 2 3 4 5	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24  you recognize what these pages depict? 13:54:39
. 2 . 3 . 4 . 5	A. It provides partial. \$3:51:26  Q. Understood. So that's the obstruction. \$3:51:28  Okay, thanks for helping me understand. \$13.51:30  A. Yeah. \$13.51:32  Q. Now, have you read instruction what \$3:51:36  are you basing your statement here shout the \$13:51:40	1 2 3 4 5	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. I do. 13:54:36
. 2 3 4 5 6	A. It provides partial. \$3:51:26  Q. Understood. So that's the obstruction. \$3:51:28  Okay, thanks for helping me understand. \$13.51:39  A. Yeah. \$13.51:32  Q. Now, have you read instruction wher \$3:51:36  are you basing your statement here shout the \$13:51:40  height at which the repetter is plugged in was \$13:51:44	1 2 3 4 5 6 7	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:34:24  you recognize what these pages depict? 13:54:39  A. I do. 13:54:36  Q. Okuy. What is it? 13:54:38
. 2 . 3 . 4 . 5 . 6 . 7 . 8	A. It provides partial. 33:51:26 Q. Understood. So that's the obstruction. (3:51:28) Okay, thanks for helping me understand. 13:51:30 A. Yeah. 13:51:32 Q. Now, have you read instruction what 33:51:36 are you busing your statement here shout the 13:51:40 height at which the repetter is plugged in was 13:51:44 contrary to instructions, what is that based on? 12:51:48	1 2 3 4 5 6 7 8	13:54:18   13:54:18   13:54:18   13:54:18   13:54:22
. 2 . 3 . 4 . 5 . 6 . 7 . 8	A. It provides partial. \$3:51:26  Q. Understood. So that's the obstruction. \$(3:51:28)  Okay, thanks for helping me understand. \$13.51:30  A. Yeah. \$13.51:32  Q. Now, have you read instruction what \$3:51:36  are you busing your statement here shout the \$13:51:40  height at which the repetter is plugged in was \$13:51:44  contrary to instructions, what is that based on? \$13:51:48  A. Thad read firough the instructions that \$13:51:54	1 2 3 4 5 6 7 8	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. I do. 13:54:36  Q. Okuy. What is it? 13:54:38  A. It's the instructions that come with an 13:54:40  least this form of Bell & Howell ultrasonic post 13:54:42
. 2 3 4 5 6 7 8 9	A. It provides partial. 33:51:26  Q. Understood. So that's the obstruction. (3:51:28)  Okay, thanks for helping me understand. 13:51:30  A. Yeah. 13:51:32  Q. Now, have you read instruction what 33:51:36  are you basing your statement here shout the 13:51:40  height at which the repetter is plugged in was 13:51:44  contrary to instructions, what is that based on? 13:51:44  cause with it. 13:52:00  Q. Okay. 13:52:00  A. That suggests that you need to got it in 13:52:02	1 2 3 4 5 6 7 8 9	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. Edo. 13:54:24  Q. Please look at the next two pages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. Edo. 13:54:36  Q. Okuy. What is it? 13:54:38  A. It's the instructions that come with an 13:54:40  least this form of Bell & Howell ultrasonic post 13:54:42  repetter. 13:54:48
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. 2 3 4 5 6 7 8 9 10 13	A. It provides partial. 33:51:26  Q. Understood. So that's the obstruction. (3:51:28)  Okay, thanks for helping me understand. 13:51:30  A. Yeah. 13:51:32  Q. Now, have you read instruction what 33:51:36  are you basing your statement here shout the 13:51:40  height at which the repetter is plugged in was 13:51:44  contrary to instructions, what is that based on? 13:51:44  cause with it. 13:52:00  Q. Okay. 13:52:00  A. That suggests that you need to got it in 13:52:02	1 2 3 4 5 6 7 8 9 30	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. I do. 13:54:36  Q. Okuy. What is it? 13:54:38  A. It's the instructions that come with an 13:54:40  least this form of Bell & Howell ultrasonic post 13:54:42  repeller. 13:54:48  Q. Okay, good. Can you please identify for 13:54:48  me where it states the beight in which it's 13:54:52
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. 2 3 4 5 6 7 8 9 10 13 12 13 14 15	A. It provides partial. 33:51:26  Q. Understood. So that's the obstruction. (3:51:28)  Okay, thanks for helping me understand. 13:51:30  A. Yeah. 13:51:32  Q. Now, have you read instruction wher 13:51:36  are you basing your statement here shout the 13:51:40  height at which the repetter is plugged in was 13:51:44  contrary to instructions, what is that based on? 12:51:48  A. I had read through the instructions that 13:51:54  cause with it. 13:52:00  Q. Okay. 13:52:00  A. That suggests that you need to you it in 13:52:02  at the height and directing towards the source of 13:52:04  your problem. 13:52:08	1 2 3 4 5 6 7 8 9 30 11 52 73	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two gages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. I do. 13:54:36  Q. Okuy. What is it? 13:54:38  A. It's the instructions that come with an 13:54:40  least this form of Bell & Howell ultrasonic pest 13:54:42  repedler. 13:54:48  Q. Okay, good. Can you please identify for 13:54:48  me where it states the beight in which it's 13:54:52  supposed to be plugged it? 13:54:54  A. I do not see that on this one, 13:55:18  Q. Can you direct me to where the 33:55:20
. 2 3 4 5 6 7 8 9 10 13 12 13 14 15	A. It provides partial. 33:51:26  Q. Understood. So that's the obstruction. (3:51:28)  Okay, thanks for helping me understand. 13:51:30  A. Yeah. 13:51:32  Q. Now, have you read instruction — what 33:51:36  are you basing — your statement here shout the 13:51:40  height at which the repetter is plugged in was 13:51:44  contrary to instructions, what is that based on? 13:51:44  cause with it. 13:52:00  Q. Okay. 13:52:00  A. That suggests that you need to put it in 13:52:02  at the height and directing towards the source of 13:52:04  your problem. 13:52:08  Q. Okay. Well, I'll show you a copy of 13:52:30	1 2 3 4 5 6 7 8 9 11 52 13 14 15	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. Edo. 13:54:24  Q. Please look at the next two gages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. Edo. 13:54:36  Q. Okuy. What is it? 13:54:38  A. It's the instructions that come with an 13:54:40  least this form of Bell & Howell ultrasonic pest 13:54:42  repeller. 12:54:48  Q. Okay. good. Can you please identify for 13:54:48  me where it states the beight in which it's 13:54:52  supposed to be plugged it? 13:54:54  A. I do not see that on this one, 13:55:18  Q. Can you direct me to where the 33:55:20
. 2 3 4 5 6 7 7 8 9 10 13 12 13 14 15	A. It provides partial. 33:51:26  Q. Understood. So that's the obstruction. (3:51:28)  Okay, thanks for helping me understand. 13:51:30  A. Yeah. 13:51:32  Q. Now, have you read instruction what 39:51:36  are you busing your statement here shout the 13:51:40  height at which the repetter is plugged in was 13:51:44  contrary to instructions, what is that based on? 17:51:48  A. I had read forough the instructions that 13:51:54  came with it. 13:52:00  Q. Okay. 13:52:00  A. That suggests that you need to put it in 13:52:02  at the height and directing towards the source of 13:52:04  your problem. 13:52:08  Q. Okay, Well, I'll show you a copy of 13:52:16  instructions and maybe you can help me find it. 13:52:16	1 2 3 4 5 6 7 8 9 11 12 13 14 15 16	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two gages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. I do. 13:54:36  Q. Okay. What is it? 13:54:38  A. It's the instructions that come with ar 13:54:40  least this form of Bell & Howell ultrasonic post 13:54:42  repeller. 13:54:48  Q. Okay. good. Can you please identify for 13:54:52  supposed to be plugged it? 13:54:54  A. I do not see that on this one, 13:55:18  Q. Can you direct me to where the 33:55:20  instructions say that the units need to be directed 13:55:22
. 2 3 4 5 6 7 7 8 9 10 12 13 14 15 16	A. It provides partial. 33:51:26  Q. Understood. So that's the obstruction. (3:51:28)  Okay, thanks for helping me understand. 13:51:30  A. Yeah. 13:51:32  Q. Now, have you read instruction what 35:51:36  are you basing your statement here shout the 13:51:40  height at which the repetter is plugged in was 13:51:44  contrary to instructions, what is that based on? 17:51:48  A. I had read through the instructions that 13:51:54  caute with it. 13:52:00  Q. Okay. 13:52:00  A. That suggests that you need to got it in 13:52:02  at the height and directing towards the source of 13:52:04  your problem. 13:52:08  Q. Okay. Well, I'll show you a copy of 13:52:30  instructions and maybe you can help me find it. 13:52:16  A. Okay. 13:52:20	1 2 3 4 5 6 7 8 9 30 11 12 13 14 15 16	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. Edo. 13:54:24  Q. Please look at the next two pages. Do 13:54:24  you congnize what these pages depict? 13:54:39  A. Edo. 13:54:36  Q. Okuy. What is it? 13:54:38  A. It's the instructions that come with an 13:54:40  lease this form of Bell & Howell ultrasonic post 13:54:42  repetter. 13:54:48  Q. Okay. good. Can you please identify for 13:54:48  me where it states the height in whick it's 13:54:52  supposed to be plugged it? 13:54:54  A. I do not see that on this one, 13:55:18  Q. Can you direct me to where the 33:55:20  instructions say that the units need to be directed 13:55:26  towards probable entrance points of insects and 13:55:26
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2 2 3 4 4 5 6 6 7 7 8 9 10 13 12 13 14 15 16 17 18 19 20	A. It provides partial. (3:51:26) Q. Understood. So that's the obstruction. (3:51:28) Okay, thanks for helping me understand. (3:51:30) A. Yeah. (3:51:32) Q. Now, have you read instruction what (3:51:36) are you busing your statement here shout the (13:51:40) height at which the repetter is plugged in was (13:51:44) contrary to instructions, what is that based on? (17:51:48) A. I had read firrough the instructions that (13:51:54) came with it. (13:52:00) Q. Okay. (13:52:00) A. That suggests that you need to put it in (13:52:02) at the height and directing towards the source of (13:52:04) your problem. (13:52:08) Q. Okay. Weß, I'll show you a copy of (13:52:16) A. Okay. (13:52:20) Q. I'm going to hands to you a document (13:52:34) which was previously marked as Porter Eschibit 3. (13:52:36) A. Do you need to statup and mark this? (13:52:48)	1 2 3 4 5 6 7 8 9 11 12 15 16 17 38 19 20	see her here — here is pictures of what the 13:54:18  puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24  you recognize what these pages depict? 13:54:39  A. I do. 13:54:36  Q. Okay. What is it? 13:54:38  A. It's the instructions that come with ar 13:54:40  leas: this form of Bell & Howell ultrasonic post 13:54:42  repeller. 13:54:48  Q. Okay. good. Can you please identify for 13:54:48  me where it states the beight in which it's 13:54:52  supposed to be plugged it? 13:54:54  A. I do not see that on this one, 13:55:18  Q. Can you direct me to where the 33:55:20  instructions say that the units need to be directed 13:55:26  such? 13:55:28  MR. OSTORIC: Object to form, foundation. 13:55:30  You'te talking about just this page or the Exhibit, 13:55:32
. 2 3 4 5 6 7 7 8 9 10 12 13 14 15 16 17 18 19 20 21	A. It provides partial. 33:51:26  Q. Understood. So that's the obstruction. (3:51:28)  Okay, thanks for helping me understand. 13:51:30  A. Yeah. 13:51:32  Q. Now, have you read instruction what 33:51:36  are you busing your statement here shout the 13:51:40  height at which the repetter is plugged in was 13:51:44  contrary to instructions, what is that based on? 17:51:48  A. Thad read fitrough the instructions that 13:51:54  cause with it. 13:52:00  Q. Okay. 13:52:00  A. That suggests that you need to gut it in 13:52:02  at the height and directing towards the source of 13:52:04  your problem. 13:52:08  Q. Okay, Welf, I'll show you a copy of 13:52:30  instructions and maybe you can help me find it. 13:52:16  A. Okay. 13:52:20  Q. Pro going to hands to you a document 13:52:34  which was previously marked as Porter Exhibit 3. 13:52:36  A. Do you need to statup and mark this? 13:52:48  Q. No. 13:52:50	1 2 3 4 5 6 7 8 9 30 11 15 16 17 38 39 20 21	see her here — here is pictures of what the puckage units look like, do you see that? 13:54:22  A. I do. 13:54:24  Q. Please look at the next two pages. Do 13:54:24 you recognize what these pages depict? 13:54:39  A. I do. 13:54:36  Q. Okuy. What is it? 13:54:38  A. It's the instructions that come with an 13:54:40 least this form of Bell & Howell ultrasonic post 13:54:42 repeller. 13:54:48  Q. Okay. good. Can you please identify for 13:54:48 me where it states the beight in which it's 13:54:52 supposed to be plugged it? 13:54:54  A. I do not see that on this one, 13:55:18  Q. Cun you direct me to where the 33:55:20 instructions say that the units need to be directed 13:55:26 such? 13:55:28  MR. OSTOJIC: Object to form, foundation. 13:55:30 You'ce talking about just this page on the Exhibit, 13:55:32 correct? 13:55:36
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:	MR. OSTOJIC: But you want bire just on that 13:55:50	1 A. Yes. 13:59:14
2	page? 13:55;52	2 Q. Okuy. Do you see in any of these (3:59:14)
3	BY MR. KOPEL: 13.55(52)	3 instructions where it states a direction for the 13:59:16
4	Q. No, you could look at any page of this 13.55;52	4 unit to be gointed in? 13:59;22
3	Ealabit H you'd like. \$3:55:54	5 MR OSTOJIC: Object to form. 13:59(26
6	MR, OSTOTIC: And I don't want to - but the 13:55:56	6 BY THB WITNESS: 13:59:40
1 7	label in front of the product has also 13:55:58	: 7 A. I do 401, 13:59:40
1	instructions, that's why I didn't know if you 13:56:02	8 BY MR. KOPRI: 13:59:42
١,	wanted that as well. This is the owner's manual. 13:56:04	9 Q. Same question for the height at which it 13:59:42
10	MR. KOPEL: Do you have extra copies of that? 13:56:06	10 needs to be plugged in, do you see that here? 13:59:44
1	Can I have that sheet, do you mind? I semally 13:56:08	11 A. 1 do not. 13.59:46
1	don't need extra copies. I can use that one label. 13:56:12	
13		
1	MR. OSTORC: Yeah. 13:56:18	13 (opposing Counsel kindly gave to me as Whitford (3:59.58
14	MR. KOPEL: Okey, great, thanks. 33:56:18	14 Exhibit 7 14:00:02
1	BY MR. KOPEL: 13:56:18	15 (WITRETTON, a certain document was 14;50:02
16	Q. I think there was a question pending, 13:56:24	16 marked Whitford Deposition Exhibit
17	I'm sorry. Have you located anywhere in these 13:56:26	17 No. 7, for identification, as of
18	instructions where it says 13-56:30	18 01/12/2018.)
19	A. On this page, no. 13.56:30	19 BY MR. KOPEL:
20	Q. Let me just finish my question so the 13:56(32)	20 Q. Okay. Same two questions with regards 14:00:30
21	secord is not confusing. Have you located anywhere 13:56:34	21 to Exhibit 7, do you see anywhere on there where it 14:00:32.
22	in these instructions where it says which direction 13:56:38	22 says the height or direction in which consumers are 14:00:34
23	to point the units in? 13:56:40	23 supposed to plag in the devices? 14:00:38
24	A. Tet me go back and see if in my notes 1 13:56:46	24 A. i do not. 14:00:54
	Page 146	Page J48
1		1 0 31 101 1 1 1
1 1	had that because I know at one point I wrote down 13:56:56	The Company of these instructions ignorated that the Com-
1	had that because I know at one point I wrote down 13:56:56 the directions on detail. 13:57:04	1 Q. Now, if these instructions were not 14:01:00
2	the directions in detash. 13:57:04	2 included with the packaging, would consumers have . 14-01:06
3	the directions in detail. 13:57:04  I'don't see that. 13:57:20	2. included with the packaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14.01.10
2 3 4	the directions in detail. 13:57:04  If don't see that. 13:57:20  Q — And, by the way, a purfoid of your 13:57:22	included with the peakaging, would consume share 14-01:06     had any way to know the height and direction in 14:01:10     which the repellers were required to be plugged in? 14:01:12
2 3 4 5	the directions in detail. 13:57:04  If don't see that. 13:57:20  Q And, by the way, a portion of your 13:57:22  report is devoted to your review of the directions, 13:57:24	2. included with the peakaging, would consume share 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. Odd would say rounded sense means you 14:01:20
2 3 4 5 6	the directions in detail. $13:57:04$ T don't see that: $12:57:20$ Q And, by the way, a portion of your $13:57:22$ report is devoted to your review of the circuitiens, $13:57:24$ instructions, right? $13:57:26$	2. included with the packaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24
2 3 4 5 6 7	the directions in detail. 13:57:04  If don't see this. 13:57:20  Q   And, by the way, a portion of your   13:57:22  report is devoted to your review of the circuitions, 13:57:24  Instructions, right?   13:57:26  A.   Oh-linh.   13:57:28	2. included with the packaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28
2 3 4 5 6 7	the directions in detail. 13:57:04  T don't see that. 12:57:20  Q And, by the way, a portion of your 13:57:22  report is devoted to your review of the directions, 13:57:24  instructions, right? 13:57:26  A. Oh-linh. 13:57:08  Q. Okay, Please take a quick look at that, 13:57:28	2. included with the peakaging, would consumers have 14-01:06 3. bad any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. Ode would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38
2 3 4 5 6 7 8	the directions in detail. 13:57:04  If don't see that. 12:57:20  Q   And, by the way, a portion of your   13:57:22  report is devoted to your review of the directions,   13:57:24  instructions, right?   13:57:26  A.   Uh-linh.     13:57:28  Q.   Okay, Please take a quick look at that   13:57:28  portion of Exhibit 1, UPR claims and instructions   13:57:34	2. included with the peakaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say rounned sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40
2 3 4 5 6 7 8 9	the directions in detail. 13:57:04  If don't see that: 12:57:20  Q And, by the way, a portion of your 13:57:22  report is devoted to your review of the circuitiens, 13:57:24  instructions, right? 13:57:26  A. Uh-finh. 13:57:28  Q. Okay, Please take a quick look at that. 13:57:28  portion of Exhibit 1, UPR claims and instructions 13:57:34  for pest repellers, that's Exhibit 1, your initial 13:57:40	2. included with the peakaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say rounted sease means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40 10. A. I don't know. 14:01:50
2 3 4 5 6 7 8 9 10	the directions in detail. 13:57:04  If don't see this! 12:57:20  Q And, by the way, a portion of your 13:57:22  report is devoted to your review of the cirections, 13:57:24  Instructions, right? 13:57:26  A. Oh-hub. 13:57:28  Q. Okay, Please take a quick look at that 15:57:28  portion of Exhibit 1, OPR claims and instructions 13:57:34  for pest repellers, that's Exhibit 1, your initial 13:57:49  report. Reep that Exhibit hundy, please, but 13:57:44	2. included with the peakaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say rounned sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40
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2 3 4 5 6 7 7 8 9 10	the directions in detail. 13:57:04  T don't see that. 12:57:20  Q And, by the way, a portion of your 13:57:22 report is devoted to your review of the directions, 13:57:24 instructions, right? 13:57:26  A. Uh-huh. 13:57:28  Q. Okay, Please take a quick look at that. 13:57:28 portion of Exhibit 1, UPR claims and instructions 13:57:49 for pest repellers, that's Exhibit 1, your initial 13:57:44 please take a look at Exhibit 1, your intoal 13:57:48	2. included with the peakaging, would consumers have 14-01:06 3. bad any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40 10. A. I don't know. 14:01:50 11. Q. Well, if I have on a stereo and liston 14:01:50 12. marrock allmm, does the sound of the rock album 14:01:54
2 3 4 5 6 7 8 9 10 11 12	the directions in detail. 13:57:04  If don't see that. 12:57:20  Q And, by the way, a portion of your 13:57:22  report is devoted to your review of the circutions, 13:57:24  instructions, right? 13:57:26  A. Uh-hub. 13:57:28  Q. Okry. Please take a quick look at that 13:57:28  portion of Exhibit 1, UPR claims and instructions 13:57:34  for pest repellers, that's Exhibit 1, your initial 13:57:40  report. Reep that Exhibit handy, please, but 13:57:44  please take a look at Exhibit 1, your intoal 13:57:48  report. 13:57:50	2. included with the peakaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40 10. A. I don't know. 14:01:50 11. Q. Well, if I tara on a stereo and liston 54:01:50 12. m a rock allum, does the sound of the rock album 14:01:54 13. permeate the cottic roum, or does is only go in a 14:01:58
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2 3 4 5 6 7 10 11 12 13 14 15 16 17 18	### Tidon't see that. ### 13:57:04    Tidon't see that. ### 12:57:20    Q   And, by the way, a purtion of your   13:57:22   report is devoted to your review of the directions,   13:57:24     Instructions, right?	2. included with the peakaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40 10. A. I don't know. 14:01:50 11. Q. Well, if I hard on a stereo and listen 34:01:50 12. to a rock allmm, does the sound of the rock allmm 14:01:54 13. permeate the outire room, or does it only go in a 14:01:58 14. straight line? 14:02:00 15. A. It tends to permeate the whole room. 14:02:02 16. Q. But ultrasonic sound does not, correct? 14:02:06 17. A. Correct. 14:02:08 18. MR. OSTORC: Object to form. 14:02:10
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	T don't see that. 13:57:04  I' don't see that. 12:57:20  Q And, by the way, a purion of your 13:57:22  report is devoted to your review of the circutions, 13:57:24  instructions, right? 13:57:26  A. Oh-linh, 13:57:08  Q. Okay, Please take a quick look at that. 13:57:28  portion of Exhibit 1, OPR claims and instructions 13:57:34  for pest repellers, that's Exhibit 1, your initial 13:57:40  report. Reep that Exhibit handy, please, but 13:57:44  please take a look at Exhibit 1, your initial 13:57:48  report. 13:57:50  A. This one, okay, Now, what page? 13:58:16  Q. There is no pages numbers, but the 13:55:29  section is called UPR claims and instructions for 13:58:22  BHH pest repellers. 13:58:26  A. Oh, okay, 13:58:54  Q. Do you see that section? Yeah, if you 13:58:54  just flip the page you were already on 13:58:58  A. Okay, So you don't want these things 13:59:02  which are definitely on the surface of the puckage? 13:59:06	2. included with the peakaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40 10. A. I don't know. 14:01:50 11. Q. Well, if I hard on a stereo and listen 34:01:50 12. to a rock allmin, does the sound of the rock allmin 14:01:54 13. permease the outire roum, or does it only go in a 14:01:58 14. straight line? 14:02:00 15. A. It tends to permease the whole routh. 14:02:02 16. Q. But altrasonic sound does not, correct? 14:02:06 17. A. Correct. 14:02:08 18. MR. OSTOIRC: Object to form. 14:02:10 19. BYMR, KOPEL: 14:02:10 20. Q. And you think that average lay person 14:02:10 21. consumers know the distinction between those two 14:02:12 22. types of sounds? 14:02:16
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 21 22 23	### Tidon't see that:    Tidon't see that:   13:57:20	2. included with the peakaging, would consumers have 14-01:06 3. had any way to know the height and direction in 14:01:10 4. which the repellers were required to be plugged in? 14:01:12 5. A. One would say common sense means you 14:01:20 6. point them towards where the problem is, height and 14:01:24 7. direction. 14:01:28 8. Q. So you think average lay people 14:01:38 9. understand that altrasonic sound is unidirectional? 14:01:40 10. A. I don't know. 14:01:50 11. Q. Well, if I hard on a stereo and liston 14:01:50 12. m a rock allmin, does the sound of the rock album 14:01:54 13. permeate the entire roum, or does it only go in a 14:01:58 14. straight line? 14:02:00 15. A. It tends to permeate the whole routh. 14:02:02 16. Q. But ultrasonic sound does not, correct? 14:02:06 17. A. Correct. 14:02:08 18. MR. OSTORC: Object to form. 14:02:10 20. Q. And you think that average lay person 14:02:10 21. consumers know the distinction between those two 14:02:12 22. types of sounds? 14:02:16 23. MR. OSTORC: Object to foro, foundation. 14:02:20

1 2	<del></del>		
2	A. Perhaps not. 14:02:22	۱	we're nor shack beer all day. 14:10:42
	MR. KOPEL: Let's go off the record very 34:02:38	2	A. Okey. 14:10:44
3	briefly, please. 14:02:38	3	Q.—So regarding the Land studies, Lund 1984—14:10:44
4	THE VIDBOGRAPHER: We're off the record at 14:02:40	4	thun Lund 1987, do you see that? 14:10:50
5	1:56 p.m. 14:02:42	١	A. Yes. 14:10:52
6	(WHERBUPON, a short break was (aid.) 14:08:04	6	Q. So here you write that the study 34(10.54)
7	THE VIDEOGRAPHER: We are back to the record 14:08:0	<b>4</b> 7	concluded that findings strongly indicate that a = 14:11:00
8	at 2:01 p.m. at the beginning of media 4. 14:08.12	. 8	practical effect in a warehouse, stable, store room 14(11)02
9	BY MR. KOPEL: 14:08:12	g	or almost any other large building is out of the 14:31:04
10	Q. Dr. Whilford, can you please turn to 14:08:18	10	question, hat since the Bell & Howell product 14:13:06
11	page 2 of your rebuild report in this case? 14:08:18	11	instructions recommend use in an average size room. 14:11:10
J2	Please let me know when you have it. 14:08:28	12	this study has no bearing on the officeacy of BH 14:11:14
13	A. Theye it. 14:08:30	13	
14	Q. Okay, So there is a section here 14:08:30	14	, , , , , , , , , , , , , , , , , , , ,
l	titled, "Specific comments relative to the study 14:06:34	15	
ı	cited by Dr. Potter to support his claims that 14:08:36	16	
17	ultresurio pest repellers have been shown to be 14:08:40	17	
18		18	
	, ·	1	,
19	A. I de. 14:08:44	19	· ···· · · · · · · · · · · · · · · · ·
20	Q I want to talk with you about some of \$4:08:46	20	No. N, for identification, as of
21	the studies you've addressed here, please. The 14:08:48	21	01/12/2018.)
22	1 ····	22	, , , , , , , , , , , , , , , , , , ,
23	., 2,	23	Q. Do you have Exhibit 8? 14.11(54
24	A. I do. 14:09.04	24	A. I do now. 14:31:56
	Page 150		Page 152
1	Q. Okay. Have ymr personally seen any 14:09:06	1	Q. Have you seen this before? 14:11:58
2	evidence showing that electromagnetic teclurology is 14:09:08	2	A. No. 14(71)58
3	effective at repelling or driving out roderts? 14(09;)4	3	Q. Do you see here that there is a letter = 14 12:02
4	A. Do you mind if I just say ids 14:09:18	4	willen by Mogeus Lund on the left side of the 14(12:06)
5	irrelevant to this because none of them ase it 14:09:20	5	page? 14:12:12
6	without ultrasound. 14:09:24	6	A. Uscerbot, yes 14:12:12
7	Q. So you're more than welcome to say that, 14:09:26	7	Q. And you see this is dated December 1984? 14:12:14
8	but I would profer a yes or no answer to my \$4:09:30	8	On the bottom of the page, December 1984. 14:12:24
	question in addition to that, 14:09:32	. 9	<ol> <li>Okay, yes, post control 1984. 14:12:28</li> </ol>
	question in addition to that. 14:09:32  A. Oksy. And the question was efficacy of 14:09:32	. 9 130	
9 10	•	10	Q. And can you please look at the third 14:(2:30
9 10	A. Okey. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32	10 11	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32
9 10 11 12	A. Oksy. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPBL: Can you please repeat the 14:09:38	10 11 12	Q. And can you please look at the third 14:12:30 column kere, the end of the first paragraph uses 14:12:32 the longuage "alrengly indicates that a practical 14:12:40
9 10 13 12 13	A. Oksy. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38 question? 14:09:40	11 12 13	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the language "strongly indicates that a practical 14:12:40 effect in a warehouse signation, in a stable, in a 14:52:44
9 10 11 12 13 14	A. Okey. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38 question? 14:09:40 (WHERBUPON, the record was read 34:09:40)	11 12 13 14	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the isognage "strongly indicates that a practical 14:12:40 effect in a warehouse situation, in a stable, in a 14:12:44 store (100m, o) almost any other building is our of 14:12:46
9 10 13 13 14 15	A. Okey. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38 question? 14:09:40  {WHEREUPON, the record was read 34:09:40 as requested.} 14:09:40	11 12 13 14 15	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the language "strongly indicates that a practical 14:12:40 effect in a warehouse situation, in a stable, in a 14:52:44 store moon, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:48
9 10 13 13 14 15 16	A. Oksy. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38 question? 14:09:40  {WHEREUPON, the record was read 34:09:40 as requested.} 14:09:40  BY MR. KOPEL: 14:09:40	11 12 13 14 15	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the language "strongly indicates that a practical 14:12:40 effect in a warehouse situation, in a stable, in a 14:52:44 store moon, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:48  A. Yes, I do, 14:12:50
9 10 12 13 14 15 16	A. Okey. And the question was efficacy of 14:09:32  electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38  question? 14:09:40  {WHEREUPON, the round was read 34:09:40  as requested.} 14:09:40  BY MR. KOPEL: 14:09:40  Q. Did you hear the question? 14:09:40	11 12 13 14 15 16	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the language "strongly indicates that a practical 14:12:40 effect in a warehouse situation, in a stable, in a 14:12:44 store troon, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:50  A. Yes, I do, 14:12:50  Q. And that's the same language you use in 14:12:50
9 10 11: 12 13 14 15 16 17	A. Okey. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38 question? 14:09:40  {WHEREUPON, the record was read 34:09:40 as requested.} 14:09:40  BY MR. KOPEL: 14:09:40  Q. Did you hear the question? 14:09:40  A. I did, and for answer is no. 14:10:10	11 12 13 14 15 16 17	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the isognage "strongly indicates that a practice! J4:12:40 effect in a warehouse situation, in a stable, in a 14:12:44 store (nom, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:48  A. Yes, I do, 14:12:50  Q. And that's the same language you use in 14:12:50 your report, right? 14:12:52
9 10 12 13 14 15 16 17 18	A. Okey. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38 question? 14:09:40  {WHEREUPON, the record was read 34:09:40 as requested.} 14:09:40  BY MR. KOPEL: 14:09:40  Q. Did you hear the question? 14:10:10  A. I did, and the answer is no. 14:10:10  Q. Same question for invoets, 14:10:12	10 11 12 13 14 15 16 17 18 19	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the language "strongly indicates that a practice! J4:12:40 effect in a warehouse sicuation, in a stable, in a 14:12:44 store man, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:48  A. Yes, I do, 14:12:50  Q. And that's the same language you use in 14:12:50 your report, right? 14:12:52  A. Right, 14:12:54
9 10 12 13 14 15 16 17 18 19 20	A. Okey. And the question was efficacy of 14:09:32 electromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38 question? 14:09:40  (WHEREUPON, the round was read 34:09:40 as requested.) 14:09:40  BY MR. KOPEL: 14:09:40  Q. Did you hear the question? 14:09:40  A. I did, and the answer is no. 14:10:10  Q. Same question for invoets, 14:10:12  A. No. J4:10:16	10 11 12 13 14 15 16 17 18 19 20	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the language "strongly indicates that a practical 14:12:40 effect in a warehouse situation, in a stable, in a 14:52:44 store (nom, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:50 Q. And that's the same language you use in 14:12:50 your report, right? 14:12:52 A. Right, 14:12:54
9 10 12 13 14 15 16 17 18 19 20 21	A. Okey. And the question was efficacy of 14:09:32  clectromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38  question? 14:09:40  {WHEREUPON, the record was read 34:09:40	10 11 12 13 14 15 16 17 18 19 20 21	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the imaginger "strongly indicates that a practice! J4:12:40 effect in a warehouse situation, in a stable, in a 14:12:44 store (man, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:48  A. Yes, I do, 14:12:50  Q. And that's the same language you use in 14:12:50 your report, right? 14:12:52  A. Right, 14:12:54  Q. Can you please look at the second 14-12:54 column, paragraph 3 starting with the words "the 4:12:56
9 10 12 13 14 15 16 17 18 19 20 21	A. Okey. And the question was efficacy of 14:09:32  cleetromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38  question? 14:09:40  {WHEREUPON, the record was read 34:09:40  as requested.} 14:09:40  BY MR. KOPEL: 14:09:40  Q. Did you hear the question? 14:09:40  A. I did, and the answer is no. 14:10:10  Q. Same question for invoets, 14:10:12  A. No. J4 10:16  Q. Now, I know you have cited a lot of 14:10:24  studies here. I want to talk to you about some of 14:10:34	10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the isognage "strongly indicates that a practices" 14:12:40 effect in a warehouse situation, in a stable, in a 14:12:44 store (nom, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:48  A. Yes, I do, 14:12:50  Q. And that's the same language you use in 14:12:50 your report, right? 14:12:54  A. Right, 14:12:54  Q. Can you please look at the second 14-12:54 todoma, paragraph 3 sturing with the words "the 24:12:56 rest procedure," do you see that? 14:13:04
9 10 12 13 14 15 16 17 18 19 20 21 22 23	A. Okey. And the question was efficacy of 14:09:32  clectromagnetic? J4:09:32  MR. KOPEL: Can you please repeat the 14:09:38  question? 14:09:40  {WHEREUPON, the record was read 34:09:40	10 11 12 13 14 15 16 17 18 19 20 21	Q. And can you please look at the third 14:12:30 column here, the end of the first paragraph uses 14:12:32 the imaginger "strongly indicates that a practice! J4:12:40 effect in a warehouse situation, in a stable, in a 14:12:44 store (man, or almost any other building is our of 14:12:46 the question," do you see that? 14:12:48  A. Yes, I do, 14:12:50  Q. And that's the same language you use in 14:12:50 your report, right? 14:12:52  A. Right, 14:12:54  Q. Can you please look at the second 14-12:54 column, paragraph 3 starting with the words "the 4:12:56

ι	the most favorable from a producer's viewpoint; a = 14:13:06	1	A. I accessed a number of them that I 14:15:56
2	small area to be protected and no obstacles to 14:15:10	2	conid; but when you get to older papers, for the 14:15:58
3	create sound shadows. As a soutine, an established 14:13:12	3	most part they have not been transferred to 14:16:04
4	rat population in a rodest proof toote, 4.5 by 4.5 14:13:16	4	electronic formats and accessible. And when you 14:16:08
5	merers, provided with a samplus of shelter, home 14:13:22	5	gut to specific papers on a given part of science, 14:16.10
: 6	cages and struw, laboratory good and water, was 14:13:26	6	often papers like this are only available to people [14:)6:16
7	allowed to explore a neighboring identical room and 14:13:30	7	who are members of the society that is responsible 14:16:20
8	feed from a truy with a weighted amount of wheat. 14(13:30)	8	for post control or entomology studies. 14:16:24
y	Rooms were connected by a small doorway, 15 by 15 = 14:13:34	9	I can access almost any paper in the 34:16:28
. 10	centimeters, at floor level. The ultrasound device 14:13:36	10	Withfase Society's archives because I've been a 14:16:30
11	was installed in an empty room, the load speaker 14:03:38	11	member for 42 years, but I don't have access to 14:16:32
12	pointing against the feeding tray from a distance 14:13:42	12	papers of societies I don't belong to in jointnals 14-16:36
]3	of 3.5 merers," on you see that? 14:13:42	13	which are not in prior anymore and most of which 14:16:42
14	A. Ves. 14:13:44	14	have been comoved from the spolves of libraries and 14.16;44
15	Q. So do you understand that the size of = 14:13:46	15	institutions in the last two decades. 14:16:46
16	the soom keep was 4.5 by 4.5 meters? 14:13:46	16	Q. 1 see. Did you ask a librarium for help 14:16:50
17	MR. OSTOJIC: Objection, foundation, form. 14(13.50)	17	at your University? 14:36:52
18	That paragruph indicates that, but I don't know 44:13:54	18	A. Thave not asked because I'm not 14:16:54
19	what all file other stuff say, but go ahead and 14:13:56	19	actually there. 14:16:58
20	answer, 14:13:58	20	Q. Bul you're a professor? 14:17:00
21	BY THE WITNESS. 14:14:02	21	A. Tim a professor. I did not, But they 14:17:00
22	A, 4.5 by 4.5 meters, nkay. Dines it 14:14:02	22	theraselves would have limited across to those 14:17:06
23	indicate the second of the same size? 14:14:08	23	special society papers. They may or may not be 14(17(10))
24	BY MR. KOPEL: 14:14:32	24	able to request papers from those sources because - 14:37:20
	1'age 154		Page J.Sh
; 1	Q. Sure, it says here neighboring identical 14:14:12	]	if you're not a member of the society, you have to 14:17:28
; 1	Q. Sure, it says here neighboring identical 14:14:12 room. 14:14:16	1 2	· · · · · · · · · · · · · · · · · · ·
2 3			
1	токии. 14:14:16	2	pay to go ordine to get that, 14(17)30
3	TOKOTO. 14:14:16  A. Okay, 1 just hadn't picked up on that. 14:14:16	3	pay to go ordine to get that, 14:17:30  Q - Which of these studies have you read? 14:17:40
3	Tokum. 14:14:16  A. Okay, I just hadn't picked up on that. (4:14:16) Okay. 14:14:20	3	pay to go ordine to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTORIC: Object to form. Go ahead. 14:17:58
3 4 5	roton. 14:14:16  A. Okay, 1 just hadn't picked up on that. (4:14:16  Okay. 14:14:20  Q. In your opinion is 4.5 by 4.5 meters a 14:14:22	3 4 5	pay to go online to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Lofs see, of these the — 14:17:50  WR. OSTORIC: Object to form. Go alread. 14:17:58
3 4 5 6 7	roton.     14:14:16       A. Okay, 1 just hadn't picked up on that.     (4:14:16)       Okay.     14:14:20       Q. In your opinion is 4.5 by 4.5 meters a large room?     14:14:22	2 3 4 5 6 7 8	pay to go ordine to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTYMIC: Object to form. Go ahead. 14:17:58  BY THE WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Potter gave us 14:18:10
3 4 5 6 7	Triffin	2 3 4 5 6 7 8	pay to go ordine to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTYMIC: Object to form. Go ahead. 14:17:58  BY THE WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06
3 4 5 6 7 8	roton. 14:14:16  A. Okay, I just hadn't picked up on that. 14:14:16  Okay. 14:14:20  Q. In your opinion is 4.5 by 4.5 motors a 14:14:22  large room? 14:14:28  A. Yes, but I would need to finish reading 14:14:32  the rest of 14:14:34	2 3 4 5 6 7 8	pay to go online to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTOMIC: Object to form. On ahead. 14:17:58  BY THE WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Poller gave us 14:18:10  especially when they're saying that the studies 14:18:14
3 4 5 6 7 8	Trition   Takifa	2 3 4 5 6 7 8 9	pay to go online to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTOMC: Object to form. Go ahead. 14:17:58  BY THE WIFNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Poller gave us 14:18:10  especially when they're saying that the studies 14:18:14
3 4 5 6 7 8 9	Tritinia   Telephone   Tele	2 3 4 5 6 7 8 9 10 11 12	pay to go ordine to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTORIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Poller gave as 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repellency as in paragraph 73. 14:18:16  temporarily discouraging rodorits which shows 14:18:24
3 4 5 6 7 8 9 10	Triffing   14:14:16	2 3 4 5 6 7 8 9 10 11 12	pay to go ordine to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTYMIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Potter gave as 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repullancy as in paragraph 73. 14:18:16  temporarity discouraging redeats which shows 14:18:22
3 4 5 6 7 8 9 10 11 12 13	Triting   14:14:16	2 3 4 5 7 8 10 11 12 813 214	pay to go online to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTYMIC: Object to form. On thead. 14:17:58  BY THE WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Potter gave as 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repullency as in paragraph 73. 14:18:16  temporarily discouraging rodents which shows 14:18:24  occasional temporary repellent effects, each of 14:18:28  these contradicts Dr. Potter's claims that they 14:18:32
3 4 5 6 7 8 9 10 11 12 !3	Triffing   14:14:16	2 3 4 5 7 8 10 11 12 813 214	pay to go online to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTOMIC: Object to form. On thead. 14:17:58  BY THB WIFNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Poller gave us 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repellency as in paragraph 73. 14:18:16  temporarily discouraging redeatts which shows 14:18:24  occasional temporary repellent effects, each of 14:18:28
3 4 5 6 7 8 9 10 11 12 13	Trition	2 3 4 5 7 8 10 11 12 813 214	pay to go ordine to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTORIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Poller gave as 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repellency as in paragraph 73. 14:18:16  temporarily discouraging rodents which shows 14:18:24  occasional temporary repellent effects, each of 14:18:28  these contradicts Dr. Potter's claims that they 14:18:32  have no efficacy. 14:18:32  BY MR. KOPBL: 14:18:40
3 4 4 5 6 6 7 8 9 100 11 12 13 13 14 15 16 17	Trition	2 3 4 5 7 8 9 10 11 12 813 13 14 15 16	pay to go online to get that, 14(17)30  Q. Which of these studies have you read? 14(17)40  A. Let's see, of these the — 14(17)50  WR. OSTYMIC: Object to form. On thead. 14(17)58  BY THE WITNESS: 14(18)06  A. Okay. Most of these I was citing 14(18)06  directly from quotes that Dr. Potter gave as 14(18)10  especially when they're saying that the studies 14(18)14  showed partial repellency as in paragraph 73. 14(18)16  temporarily discouraging rodents which shows 14(18)22  officacy in part, No. 74, 71 where it says 14(18)24  occasional temporary sepellent effects, each of 14(18)28  these contradicts Dr. Potter's claims that they 14(18)32  have no efficacy. 14(18)32  BY MR. KOPEL: 14(18)40
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Trition   14:14:16	2 3 4 5 7 8 10 11 12 13 14 15 16 17 18	pay to go ordine to get that, 14:17:30  Q. Which of these studies have you read? 14:17:40  A. Let's see, of these the — 14:17:50  WR. OSTYMIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Potter gave us 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repullancy as in paragraph 73. 14:18:16  temporarily discouraging redeatts which shows 14:18:24  occasional temporary repellent effects, each of 14:18:28  these contradicts Dr. Potter's claims that they 14:18:32  have no efficacy. 14:18:32  BY MR. KOPEL: 14:18:40  Q. Tri sorry, do you recall the question? 14:18:40  I faink I asked which ones of these bave you read? 14:18:40
3 4 4 5 6 6 7 8 9 100 11 12 13 13 14 15 16 17	Trition	2 3 4 5 7 8 9 10 11 12 813 16 17 16 17	pay to go ordine to get that, 14(17)30  Q. Which of these studies have you read? 14(17)40  A. Let's see, of these the — 14:17:50  WR. OSTORIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06 directly from quotes that Dr. Potter gave us 14:18:10 especially when they're saying that the studies 14:18:14 showed partial repullancy as in paragraph 73. 14:18:14 showed partial repullancy as in paragraph 73. 14:18:14 temporarily discouraging redeats which shows 14:18:24 occasional temporary repellent effects, each of 14:18:24 occasional temporary repellent effects, each of 14:18:32 these contradicts Dr. Potter's claims that they 14:18:32 have no efficusy. 14:18:40 Q. I'm sorry, do you recall the question? 14:18:40 I think I asked which ones of these have you read? 14:18:40 A. J know that I have accessed the full 14:18:46
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Trition	2 3 4 5 7 8 9 10 11 12 813 16 17 16 17	pay to go ordine to get that, 14(17)30  Q. Which of these studies have you read? 14(17)40  A. Let's see, of these the — 14:17:50  WR. OSTYMIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Potter gave us 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repellency as in paragraph 73. 14:18:16  temporarily discouraging redeats which shows 14:18:24  occasional temporary sepellent effects, each of 14:18:32  these contradicts Dr. Potter's claims that they 14:18:32  have no efficiety. 14:18:40  Q. Tra sorry, do you recall the question? 14:18:40  1 think I asked which ones of these have you read? 14:18:42  A. J know that I have accessed the fall 14:18:46  Gould, et al. 1984, I have found the ordine ones 14:18:50
3 4 4 5 6 6 7 7 8 8 9 100 11 12 13 14 15 16 17 18 19 20 21	roton.  A. Okay, I just hadn't picked up on that.  (14:14:16)  Okay.  Q. In your opinion is 4.5 by 4.5 meters a 14:14:22 large room?  44:14:28  A. Yes, but I would need to finish reading 14:14:32 the rest of 14:14:34  Q. Oh, okay, take your time. 14:14:34  A the test to know what's going on. 14:14:36  I think I've seen enough to recognize 14:15:14  Q. Okay, great. But do you remember ray question? Do you see here that the testing space 14:15:26  A. I do, but I had not seen this 14:15:30 previously.  Q. You had not seen this previously?  A. All I had was the comments that Potter 14:15:34 previded relative to this because I did not access 14:15:44 this. Not all of the papers are relatively easy to 14:15:44	2 3 4 5 7 8 9 10 11 12 813 16 17 16 17	pay to go online to get that, 14(17)30  Q. Which of these studies have you read? 14(17)40  A. Let's see, of these the — 14:17:50  WR. OSTORIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06 directly from quotes that Dr. Poller gave as 14:18:10 especially when they're saying that the studies 14:18:14 showed partial repellency as in paragraph 73. 14:18:16 temporarily discouraging rodents which shows 14:18:24 occasional temporary repellent effects, each of 14:18:32 these contradicts Dr. Potter's claims that they 14:18:32 have no efficacy. 14:18:32  BY MR. KOPEL: 14:18:40 Q. Tra sorry, do you recall the question? 14:18:40 1 think I asked which ones of these have you read? 14:18:42 A. J know that I have accessed the fall 14:18:46 Gould, et al. 1984, I have found the online ones 14:18:50 Stat were indicated later on, and then again I'm 14:18:58
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	roton.  A. Okay, I just hadn't picked up on that.  (14:14:16)  Okay.  Q. In your opinion is 4.5 by 4.5 motors a 14:14:22 large room?  44:14:28  A. Yes, but I would need to finish reading 14:14:32 the rest of 14:14:34  Q. Oh, okay, take your time. 14:14:34  A the test to know what's going on. 14:14:36  I think I've seen enough to recognize 14:15:14  Q. Okay, great. But do you remember roy 14:15:14  Q. Okay, great. But do you remember roy 14:15:12 question? Do you see here that the testing space 14:15:20  A. I do, but I had not seen this 14:15:30  previously.  Q. You had not seen this previously?  A. All I had was the comments that Potter 14:15:34 provided relative to this because I did not access 14:15:44 obtain. 14:15:50	2 3 4 5 7 8 9 10 11 12 813 16 17 16 19 20	pay to go ordine to get that, 14(17)30  Q. Which of these studies have you read? 14(17)40  A. Let's see, of these the — 14:17:50  WR. OSTYMIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06  directly from quotes that Dr. Potter gave us 14:18:10  especially when they're saying that the studies 14:18:14  showed partial repellency as in paragraph 73. 14:18:14  showed partial repellency as in paragraph 73. 14:18:14  temporarily discouraging redeath which shows 14:18:24  occasional temporary repellent effects, each of 14:18:28  these contradicts Dr. Potter's claims that they 14:18:32  have no efficacy. 14:18:32  BY MR. KOPEL: 14:18:40  Q. Thi sorry, do you recall the question? 14:18:40  I kink I asked which ones of these bave you read? 34:18:42  A. J know that I have accessed the fall 14:18:46  Gould, et al. 1984, I have found the ordine ones 14:18:58  using the information that was provided on the size 14:19:08
3 4 4 5 6 6 7 7 8 8 9 100 11 12 13 14 15 16 17 18 19 20 21	roton.  A. Okay, I just hadn't picked up on that.  (14:14:16)  Okay.  Q. In your opinion is 4.5 by 4.5 meters a 14:14:22 large room?  44:14:28  A. Yes, but I would need to finish reading 14:14:32 the rest of 14:14:34  Q. Oh, okay, take your time. 14:14:34  A the test to know what's going on. 14:14:36  I think I've seen enough to recognize 14:15:14  Q. Okay, great. But do you remember ray question? Do you see here that the testing space 14:15:26  A. I do, but I had not seen this 14:15:30 previously.  Q. You had not seen this previously?  A. All I had was the comments that Potter 14:15:34 previded relative to this because I did not access 14:15:44 this. Not all of the papers are relatively easy to 14:15:44	2 3 4 5 6 7 8 9 10 11 12 8 13 14 15 16 17 16 19 20 21	pay to go online to get that, 14(17)30  Q. Which of these studies have you read? 14(17)40  A. Let's see, of these the — 14:17:50  WR. OSTORIC: Object to form. Go ahead. 14:17:58  BY THB WITNESS: 14:18:06  A. Okay. Most of these I was citing 14:18:06 directly from quotes that Dr. Poller gave as 14:18:10 especially when they're saying that the studies 14:18:14 showed partial repellency as in paragraph 73. 14:18:16 temporarily discouraging rodents which shows 14:18:24 occasional temporary repellent effects, each of 14:18:32 these contradicts Dr. Potter's claims that they 14:18:32 have no efficacy. 14:18:32  BY MR. KOPEL: 14:18:40 Q. Tra sorry, do you recall the question? 14:18:40 1 think I asked which ones of these have you read? 14:18:42 A. J know that I have accessed the fall 14:18:46 Gould, et al. 1984, I have found the online ones 14:18:50 Stat were indicated later on, and then again I'm 14:18:58

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1	quoies. !4:19:24	1	Q. Okay. 14:40:30
2	Witen you get to paragraph 68 quoting the 14:19:28	2	A. But the others are too far back, not 14:40:30
3	Kuelder study, the Koelder study is an overview of 14:19:32	3	changed over to E files. And like this, if they're 14:40:32
: 4	other studies which have been previously done which $\langle 14; 99; 36 \rangle$	4	this observe, I made extand perfectly why. 14:40:38
. 5	reference in many cases very old studies. And in 14:19:40	5	Q. Okay. But you don't remember which ones 14:40:42.
6	this case when we're tooking back at those, the 14:19:50	6	you found? 14:40:44
7	conclusions from Kuehler, et al. 1990, this is a = J4(19:56	7	A. Not absolutely, no. 14:40:44
8	statement or an opinion. The author has no 14:20:00	8	Q. Aside from Googling, what else did you = 14:40:46
9	personal experience working with those animals. 14:20:04	9	do to search for these references? 24:40:50
10	He's just summarizing what other people have 14:20:06	10	A. Well, if you can't find the reference by 14:40:52
11	written, E's licarsay. 14:20:08	11	Googling it with the full tide and authors' nature 14:40:56
12	MR. KOPEL. Okay. I need to go off fac 14:20:12	12	and dates, Flearth imagine that, if I sent it to my 14(41.00)
13	record, please. 14:20:14	J3	University and requested there to find it, they'd 14:41:06
14	THE VIDEOGRAPHER: We're off the record at 14:20:16	14	have any more success with it. 14:41:08
35	2:13 p.m. 14:20:18	15	Q. Okay. You didn't sty that, right? 14:41:10
16	(WHEREUPON, a short break was had.) 34:38:46	16	A. I did not partly that there has been a 14:41:12
17	THE VIDEOGRAPTER: We are hack on the record 14:38:40		great lack of time in my life this last two months 14:41:18
18	at 2:32 p.m. 14,38(52	18	·
: 19	BY MR, KOPEL: 14:38:52	19	and demise and my mother-in-low's illness and 34:41:24
20	Q. Sorry about that, Dr. Whitford, Was 14:38:56	20	demiss in the past times weeks. 14.41(28)
21	there anything else you wanted to udd about 14:38:58	23	Q. I'm super sorry to hear about that: 14:41:30
1	Exhibit 8? 14:39:00	22	A. Yeak, it's been a struggle from July, 14:41:32
23			and I've worked in this at all points because I 14:41:40
24			didn't have to be there to ussist, but my wife has 14:41:44
24	Q. Go ahead. 14:39:00 Page 158	-7	Page 160
'	A. Like most of the references that I did 14:39:02		been the primary earegiven for those two last 14:41:48
1	find and that are here, this one doesn't have any 14:39:06	:	postubus of more family. 14:41:50
3	replicates. The dentition of the lest is 30, 40 14:39:12	3	Q. Okay, understood. I'm sony to beer 14:41:52
. 4		i	ahout it. 14:41:54
5	•	5	A. Thank you. 14:41:54
6	trying to review it and look at it and evaluate it. 14:39:24	6	MR. KOPEL: Tll ask the Courl Reporter to 14:42:24
7	This is a letter, it's not poor-reviewed. 14:39:32	7	please murk this document Exhibit 9. 14:42:26
8	Q. Okay, Ler's go back, 1 know you 14:39:38	B	(WHEREMPON, a equain document was = 14,42;26
. 9	mentioned that you found Gould. Any others that 14:39:46	9	marked Whitford Doposition Exhibit
: 10	you found? 14:39:50	10	No. 9, for identification, as of
11	A. I found several by parting them in 14:39:52	ш	01/(2/2018.)
12	online. I don't have I didn't particularly toack = 14(40:00	12	BY MR. KOPEL:
13	sown which. 14:40:04	13	Q. Dn you have Exhibit 99 14:42:54
14	Q.—Okay. So certain of these studies you. 14:40:06	14	A. Okay. I've not seen this before. 14:45:44
15	forad7 14:40:08	15	Q. Okry. Well, you're welcome to. Let me 14:45:48
16	A. A few of these are available online if = 14:40:08	16	know when you're 14:45:52
17	you type in the ful! 14:40:10	17	A. I'm ready. J4:45:52
18	Q. Okay. 14:40:12	18	Q. Have you looked talk over? 14.45:54
19	A. I went through his citations. 14:40:12	19	A. Thave. 14:45:56
20	Q. Yes. 14:40:14	20	Q. What is Exhibit 9? 14:46:02
21	A. At the end of his not deposition but 14:40.14	21	A. What is it? 14:46:06
22	his commentary, I went through his list of 14:40:20	22	Q. Yes. 14:46:08
23		23	A. It's a short paper from probably a 14:46:08
24		24	manufactures or test place. It's not a recognized 14:46:18
	Page 159		1 age 161

1			
3	journs: of any kind. Alternatives to toxicents for 14:46:22	į.	MR. KOPEL: Pll usk the Coart Reporter to 14:49:46
2	control of rats and mice. I don't see an author's 14:46:30	2	please mark as Exhibit 10 Olfrasonics and 14:50:04
3	name on it. 14:46:40	3	Electromagnetic Control of Rodents. 14:50:08
4	Q. Oh, do you see the first \\\4:46:46	4	(WFFREUPON, a certain document was 14:50:08
5	A. Oh, Mechan on the front, okey, so yes. 14:46:50	5	marked Whitford Daposition Exhibit
6	Q. And if you look at page 266, please. 14:46:56	ú	No. 10, for identification, as of
7	A. Ut-huh. 14:47:(8)	. 7	01/12/2018.)
8	Q. The first full paragraph which starts 24:47:00	8	BY MR. KOPEL:
9	"to date." it talks about purial repellency. 14:47:04	9	Q. I can see you're reading that. Take as 134:50:58
10	• • • •	10	long as you need, just let me know when you're 14:51:00
:1		:	seady, please. 14:51:04
52	your report, correct? 14:47-18	12	A. Yes, I just have to know what they did, 14:51:94
13	A. It is. At the same time, it doesn't say: 14:47:18		what they concluded. 14:51:10
14	how many replicates were done with each device, ir = 14.47:22	14	Q. No problem. 14:S1:10
15	doesn't tell are how long the creatures were 14:47:24	15	A. Okay. I'm not worrying about the 14,53;18
16	subjected to it, or what the frequencies were that 14:47:26	16	
. 17	they were subjected to in most cases, what the 14:47:30		no what we're talking about. 14:53:22
: 18	deothel levels were. 14:47:34	18	Q. Okay. You've had a chance to review the 14:53:24
19	If does provide one new piece of 14:47:36	19	ultrasound 14:53:28
20	information that 160 decibels at 20 hertz will kill 14:47:38	20	A. All the altrasound tests conclude that 14:53:28
21	a mouse in one minute. Thaven't seen anything do 14:47 42		there is some limited practical dispersal repelling 14:55:30
22	that since I dropped a goose at five feet with a 14;47,44	22	
2.3	high frequency burst of 21,000 cycles per second in 14:47:48	23	
	a lab environment, so there just – it's a short 14:47:56		devices are actually talking about a number of 14.53:50
27	Page 162	-4	Page 164
Γ.			
l	note, it's not apparently peer-reviewed. It's 44:48:02	)	
2	informational, but it says that there is some 14:48:08	2	
3	repellency. 14:48:12	3	They go no. 6 to 12 k@nhedv, 6 to 9, 9   14:54:04
4	Q. A short-term repellency? 14:48:16		to 12, 12 to 16, not ultrasorand. 14 54;08
5	A. Yeah. But if you're only doing a 14:48:18	5	Okay. Yeah, you can give form 14:54:4
6	short-term test I don't know the size of the 14:48:20		non-lethal seizures if you do 25 kilohertz at 120 — 14:54:20
7	enclosures they were using, I don't there is too 14:48:22		· · · · · · · · · · · · · · · · · · ·
8	much information Jacking for me to give this 14:48:28		There is not enough information there to see what 14:54:26
1 9	erexlence. 14;48:32		they would do in an average size room or what 14:54:30
10	Q. You've read the entire Exhibit 9, right? 14:48:32		prolonged exposure would do. Probably if they 14:54:34
ΙΙ	A. 1 have. 14:48:34		can't escape, you'd see habituation, which is what 14:54:40
12	•		they find, but I don't know how big the place is, J. 14:54:42
13	on Exhibit 9? 14:48:52		don't know if there is a place a mouse could go to 14,54,48
14	MR. OSTOJIC: Object to form. 14:48:54	14	to get away from the sound. 14:54(50)
15	BY THE WITNESS: 14:48:56	15	There is nothing there that indicates (4:54:54)
1	A. No. 14:48:56	16	that ultrasound is anequivocally inefficient of 14:54:58
16		122	anable to dispel a mouse, disperse a mouse. It's 14:55:04
16 17	BY MR, KOPEL: 14:48:56	17	
l	BY MR, KOPEL: 14:48:56 Q. Okay, thanks. 14:48:56		just you have to know what the test conditions, 14:55:10
17	Q. Okay, thanks. 14:48:56	18	just you have to know what the test conditions, 14:55:10 frequencies, intensiries of sound are to be able to 14:55:12
17 18	Q. Okay, thanks. 14:48:56	18 19	
17 18 19	Q. Okay, thanks. 14:48:56 A. They must have been very close to that 14:49:06	18 19	frequencies, jutensiries of sound are to be able to 14:55:12
17 18 19 20	Q. Okay, thanks. 14:48:56 A. They must have been very close to that 14:49:06 mouse or rat to kill it with a burst of oltrasound. 14:49:08	18 19 20 21	frequencies, intensiries of sectod are to be able to 14:55:12 judge it. 14:55:16
17 18 19 20 21	Q. Okay, thanks. 14:48:56 A. They must have been very close to that 14:49:06 mouse or rat to kill it with a hurst of ultrasound. 14:49:08 Q. You're the scientist. 14:49:18	18 19 20 21	frequencies, intensiries of sound are to be able to 14:55:12 judge it. 14:55:16  Q. Are you done? 14:55:16
17 18 19 20 21 22	Q. Okay, thanks. 14:48:56  A. They must have been very close to that 14:49:06 mouse or rat to kill it with a hust of ultrasound. 14:49:08  Q. You're the scientist. 14:49:18  A. It would have been the microwave effect, 14:49:26	18 19 20 21 5 22 23	frequencies, intensiries of sound are to be able to 14:55:12 judge it. 14:55:16 Q. Are you done? 14:55:16 A. Yes. 14:55:18

1			
1	A. Two seen reterences to it. Long ago 14:55:26	1	A. They are not providing adequate basis to 14:58:18
2	and far away when I was working on my dissertation 14:55:30	2	gradic that claim. To be well established means that 14:58:24
3	and working on biological abstracts. I would page 44:55:32	: 3	* ' '
4	through and find references to it. Beyond that, 14:55.36	4	example of science going had, it's the fact that 14:58:30
5	it's one of literally thousands of journals which 14:55:46	5	it's impossible to get rid of misinformation 14:58:32
б	publish articles. 14:55:52	6	because people keep citing it long after its line 14:58:36
7	This is pretty much an overview of 14:55:56	7	is done. 14:58:40
8	studies. It's not Marsh and Howard carrying out 14:56:00	8	The Journal of New England Journal of 14:58:42
9	repent tests. He's talking about his 1950's lests 14:56:06	9	Medicine analyzed publications from 1990 to '99 in 14:58;46
10	and 1962 tests, nothing after that date that's new, 14:56:12.	JO	the Laureet and New Bigland Journal of Medicine. It 14:58:50
: 11	and then they're doing a summary of what they found   14:56:20	JJ.	showed that 90 to 95 percent of those publications 14:58:54
12	in other people's tests, the conclusions of other 14(56:22	12	were reseinded or proved to be false within five 14:58:58
13	people's tests. 54(56.28	13	years of their publication date, but the 14:59:04
:4	They're giving us their opinion at the 14:56:28	14	retractions were one page notes in the buck part, 14:59:06
15	earl of looking at these things without giving us 14:56:32	15	so people keep citing them as being correct and 14:59:12
16	the information to judge any of the tests 14:56:34	16	factual because the retractions don't get the air \$4:59:44
17	individually. Unless you know the size of the 14:56:36	17	play that other things do. 14:59:18
18	area, the frequencies, the intensities, t can't 14:56:40	18	You remember the big thing about the 14:59.22
19	tell you from this what's valid and what isn't. 14:56:44	19	Familingham studies and cholesterol and you should 14:59:28
20	Final conclusions of it are therefore impossible 4:56.50	20	not eat butter but you should eat margarine, and 14:59:32
l	•	23	die fact that ten years later they turned around 14:59:36
21	and the principles.	!	
22	Q. Is this a poer-reviewed jouenal, do you 14:56:54	22	
1	know? 14:56:58	: 23	
24	A. If would be. But this is such a small 14:56:58 Page 166	24	you because of the trans tists, you go bot if you 14:59:44 Page 168
·			
1	paper it migla have been sent as a short 14:57:02	•	look, you can still find many people referencing 14:59:48
1	paper it might have occursor as a source of the state	- 1	icolo, you can and take many people referencing 14.57546
2	communication rats than a pera-reviewed paper. 14:57:06		the need to take in margariae instead of fur Inday. 14:59:50
Ι.	F-F	2	
2	communication rels than a poin-reviewed paper. 14:57:06	2	the need to take in margarine instead of factuality. 14:59:50
3	communication rels than a pere-reviewed paper. 14:57:06 This would be the format you'd publish at the end 14:57:10	2 3	the need to take in margarine instead of fas inday. 14:59:50 You gust ear/I kill out. 14:59:54
3	communication rels than a post-reviewed paper. 14:57:06  This would be the format you'd publish at the end 14:57:10  of a journal with a short reference – short 14:57:12	2 3 4	the need to take in margarine instead of fast index. 14:59:50 You just can't kill out. 14:59:54 Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00
3 4 5	communication rels than a poor-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16	2 3 4 5	the need to take in margariae instead of fast inday. 14:59:50 You just can't kill out. 14:59:54 Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04
2 3 4 5	communication rels than a pere-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if tais specific 14:57:20	2 3 4 5 6 7	the need to take in margariae instead of factualsy. 14:59:50 You just can't kill out. 14:59:54 Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04
2 3 4 5 6 7	communication rats than a post-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24	2 3 4 5 6 7	the need to take in margarine instead of fus Inday. 14:59:50 You just ear.'I kill out. 14:59:54 Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fested, we 15:00:04 have not accepted it. Waca, I taught my class, J 15:00:09
2 3 4 5 6 7 8	communication rels than a poer-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24	2 3 4 5 6 7 8	the need to take in margariae instead of far index. 14:59:50 You just can't kill out. 14:59:54 Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04 have not accepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12
2 3 4 5 6 7 8	communication rels than a pere-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30	2 3 4 5 6 7 8	the need to take in margariae instead of fast inday. 14:59:50 You just ear. I kill out. 14:59:54 Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fested, we 15:00:04 have not secrepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 heretics. If you are going to contribute anything 15:00:16
2 3 4 5 6 7 8 9	communication rels than a pera-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute fac. 14:57:32	2 3 4 5 6 7 8	the need to take in margarine instead of fus Inday. 14:59:50 You just ean't kill out. 14:59:54 Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04 have not accepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 heretics. If you are going to contribute anything 15:00:16 to science, you carnot accept that what's been 15:00:20
2 3 4 5 6 7 8 9	communication rats than a pera-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute fac 14:57:32  test, analyze the test and produce results. You 14:57:36	2 3 4 5 6 7 8 9	the need to take in margarine instead of factually. 14:59:50 You just ear.'t kill out. 14:59:54  Q. Is that why replication is important? 14:59:56  A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being tested, we 15:00:04 have not accepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 heretics. If you are going to contribute anything 15:00:16 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ugo is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26
2 3 4 5 6 7 8 9 10 : 51 . 12	communication rels than a poor-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsere if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute the 14:57:32  test, analyze the test and produce results. You 14:57:36  don't get peer-reviewed for summing up what other 14:57:40	2 3 4 5 6 7 7 8 9 10 11 12 13	the need to take in margarine instead of fix Inday. 14:59:50 You just ear? Itill out. 14:59:54  Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04 have not accepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 hereties. If you are going to contribute anything 15:00:16 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ugo is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26 civing 60 year old, 50 year old materials and not 15:00:34
2 3 4 5 6 7 8 9 10 11 11 14	communication rels than a pere-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if tais specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute the 14:57:32  test, analyze the test and produce results. You 14:57:36  don't get peer-reviewed for summing up what other 14:57:40  people have said. 14:57:42	2 3 4 5 6 7 10 11 12 13 14	the need to take in margariae instead of fus Inday. 14:59:50 You just ear. I kill out. 14:59:54  Q. Is that why replication is important? 14:59:56  A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fested, we 15:00:04 have not accepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 hereties. If you are going to contribute anything 15:00:16 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ugo is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26 civing 60 year old, 50 year old materials and not 15:00:34 revisiting, not checking with new equipment. It's 15:00:38
2 3 4 4 5 6 7 8 9 10 11 11 11 11 11 11 11 11 11 11 11 11	communication rels than a pera-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute fac 14:57:32  test, analyze the test and produce results. You 14:57:36  don't get peer-reviewed for summing up what other 14:57:40  people have said. 14:57:42  Q. Okuy. And do you see here in the little 14:57:46	2 3 4 5 6 7 10 11 12 13 14 JS	the need to take in margarine instead of fus Inday. 14:59:50 You just ear. I kill out. 14:59:54  Q. Is that why replication is important? 14:59:56  A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04 have not accepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 heretics. If you are going to contribute anything 15:00:16 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ugo is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26 citing 60 year old, 50 year old materials and not 15:00:34 revisiting, not checking with new equipment. It's 15:00:38 very skeptical, 15:00:44
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2 3 3 4 4 5 6 7 7 8 9 10 11 11 11 11 11 11 11 11 11 11 11 11	communication rels than a pera-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because if 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute the 14:57:32  test, analyze the rest and produce results. You 14:57:36  don't get peer-reviewed for summing up what other 14:57:40  people have said. 14:57:42  Q. Okuy. And do you see here in the little 14:57:46  blant in the front in smaller type, the first page, 14:57:56  A. It's what care pass for an sistnest in 14:57:58  bere, but if you don't have a test, there is not 14:58:00  really an abstract 14:58:00	2 3 4 5 6 7 10 11 12 13 14 15 16 17 18 19 20	the need to take in margarine instead of flat Inday. 14:59:50 You just ear. I kill oul. 14:59:54  Q. Is that why replication is important? 14:59:56  A. Absolutely, and new publications have to 15:00:00 come out to say that 5's still being fasted, we 15:00:04 have not accepted it. When I taught my class, J 15:00:04 have not accepted it. When I taught my class, J 15:00:12 hereties. If you are going to contribute anything 15:00:14 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ugo is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26 civing 60 year old. 50 year old materials and not 15:00:34 revisiting, not checking with new equipment. It's 15:00:38 very skeptical, 15:00:44  Q. Okay, I appreciate your detailed 15:00:44 response, and I understand that you disagree with 15:00:50 the conclusion of the author, but my only very 15:00:52 sample question is do you see that that was, in 15:00:58 fact, the author's conclusion that it was well 15:01:02
2 3 4 4 5 6 7 8 9 10 13 13 14 15 16 17 16 19 20 21	communication rels than a pere-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference — short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if this specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute the 14:57:30  peer-review when you design a rest and execute the 14:57:30  don't get peer-reviewed for summing up what other 14:57:40  people have said. 14:57:42  Q. Okuy. And do you see here in the little 14:57:46  blurb in the front in smaller type, the first page, 14:57:52  is that called an abstract, or what is that? 14:57:58  bore, but if you don't have a test, there is not 14:58:00  really an abstract 14:58:04  Q. Do you see the second seatence suys, "It 14:58:06	2 3 4 5 6 7 9 10 11 12 13 14 15 16 17 18 19 20 21	the need to take in margariae instead of fus Inday. 14:59:50 You just ear Tkill out. 14:59:54  Q. Is that why replication is important? 14:59:56 A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04 have not accepted it. When I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 hereties. If you are going to contribute anything 15:00:16 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ago is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26 citing 60 year old, 50 year old materials and not 15:00:34 revisiting, not checking with new equipment. It's 15:00:38 very skeptical, 15:00:44 Q. Okay, I appreciate your detailed J5:00:44 response, and I understand that you disagree with 15:00:52 sample question is do you see that that was in 15:00:58 fact, the author's conclusion that it was well 15:01:02 established that such devices will not exterminate, 15:01:04
2 3 4 4 7 8 9 40 11 12 11 15 16 17 16 19 20 21 22	communication rels than a pere-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if tais specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute fac 14:57:32  test, analyze the test and produce results. You 14:57:36  don't get peer-reviewed for summing up what other 14:57:40  people have said. 14:57:42  Q. Okuy. And do you see here in the little 14:57:46  blimb in the front in smaller type, the first page, 14:57:56  A. It's what care pass for an abstract in 14:57:58  bere, but if you don't have a test, there is not 14:58:00  really an abstract 14:58:04  Q. Do you see the second sentence suys, "It 14:58:06  is well established that such devices will not 14:58:08	2 3 4 5 6 7 10 11 12 13 14 15 16 17 18 19 20 21 22	the need to take in margariae instead of fus Inday. 14:59:50 You just ear T kill out. 14:59:54  Q. Is that why replication is important? 14:59:56  A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04 have not accepted it. Wasn I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 hereties. If you are going to contribute anything 15:00:16 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ago is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26 civing 60 year old. 50 year old materials and not 15:00:34 revisiting, not checking with new equipment. It's 15:00:38 very skeptical, 15:00:44 Q. Okay, I appreciate you detailed J5:00:44 response, and I indeers and that you disagree with 15:00:50 the conclusion of the aution, but my only very 15:00:52 simple question is do you see that that was, in 15:00:58 fact, the author's conclusion that it was weil 15:01:02 established that such devices will not exterminate, 15:01:04 kill or drive rodents out of a favorable habitat? 15:01:04
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2 3 4 4 5 6 7 8 9 10 11 11 11 11 11 11 11 11 11 11 11 11	communication rels than a pere-reviewed paper. 14:57:06  This would be the format yould publish at the end 14:57:10  of a journal with a short reference – short 14:57:12  statements of opinions and no new data. 14:57:16  Q. Okuy. So you're unsure if tais specific 14:57:20  article was peer-reviewed? 14:57:22  A. I would find that there is almost no 14:57:24  chance it was peer-reviewed simply because it 14:57:28  doesn't offer new data to look at. You get 14:57:30  peer-review when you design a rest and execute fac 14:57:32  test, analyze the test and produce results. You 14:57:36  don't get peer-reviewed for summing up what other 14:57:40  people have said. 14:57:42  Q. Okuy. And do you see here in the little 14:57:46  blimb in the front in smaller type, the first page, 14:57:56  A. It's what care pass for an abstract in 14:57:58  bere, but if you don't have a test, there is not 14:58:00  really an abstract 14:58:04  Q. Do you see the second sentence suys, "It 14:58:06  is well established that such devices will not 14:58:08	2 3 4 5 6 7 10 11 12 13 14 15 16 17 18 19 20 21 22	the need to take in margariae instead of fus Inday. 14:59:50 You just ear T kill out. 14:59:54  Q. Is that why replication is important? 14:59:56  A. Absolutely, and new publications have to 15:00:00 come out to say that it's still being fasted, we 15:00:04 have not accepted it. Wasn I taught my class, J 15:00:10 used to teach my students that you have to be 15:00:12 hereties. If you are going to contribute anything 15:00:16 to science, you cannot accept that what's been 15:00:18 written 10, 20, 30, 40 years ago is factual unless 15:00:20 you have gone about questioning it, and they're 15:00:26 civing 60 year old. 50 year old materials and not 15:00:34 revisiting, not checking with new equipment. It's 15:00:38 very skeptical, 15:00:44 Q. Okay, I appreciate you detailed J5:00:44 response, and I indeers and that you disagree with 15:00:50 the conclusion of the aution, but my only very 15:00:52 simple question is do you see that that was, in 15:00:58 fact, the author's conclusion that it was weil 15:01:02 established that such devices will not exterminate, 15:01:04 kill or drive rodents out of a favorable habitat? 15:01:04

ı	A. I don't finish he's provided the evidence [35:01:16]	1	strategically placed ultrasound devices may prevent   15:04:12
2	to say that absolutely. One thing again is that 15:01:18	2	or recasce investion by freemoving rodents of 15:04:14
3	the equipment which was used in these, 1950, 1964, 15:01:22	3	premises with a few entry points, which says they 15:04:36
4	that physicanic equipment is not going to be 15:01:26	4	can be repelled. So I mean his conclusions have 15:04:18
5	producing the same frequencies and things as what = 35:01:28	5	very limbs support behind them in here. 15:04:24
6	we're looking at. They tell you - a lot of the 15:01:32	6	Q. Okay. So you disagree with the author's 15:04:28
7	staff that they're talking about here is somic 15:01:36	7	conclusion that it's well established that such: 15:04:30
8	frequencies. Only a few of these specifically 15.01(38)	8	devices will not exterminate, kill or drive rodents   15:04:32
. 9	mention ultrasonics. J 5:01:44	9	nat of a favorable habitat, is that correct? 15:04:36
10	Q. The critical thing to keep is mind is 15:01:50	10	A. It's a lovely way to start a sentence if 15:04:36
11	the frequency and decibel Sevol, isn't that 15:01:54	11	you want to bias some-body without having the data 15:04:40
12	corect7 (5:01:58	12	to support if. To say that everybody knows this is 15 04.42
13	A. Yes. As long as it's not over 20 15:01:58	13	true is - 15:04:48
- 1	kilohertz, it's not ultrasound. 15:02:02	14	Q. Okay, thank you. You can set that \$5:04.50
15	Q. I'm sony, what number? 15:02:04	15	așide, please. 15:04:52
16	A. 20 kilohertz. 15:02:06	16	A. Okay. That everybody says it is true 15:04:52
17		17	
18	A. Yes, it has to be above that, So many 15:02:10	18	MR, KOPEL: Pit ask the Coun Reporter to 15:05:08
39	of these I've cited they were saying 6, 9, 12 15:02:14	39	ptease mark as Exhibit 11, "Efficacy Test Protocols   15:05:10
20	kilohesta. They tested quite a range of things, 15:02:18	20	for Evaluation of Ultrasonic Redeot Repelled 15:05:12
: 51	port just ultrasonies. 15:02:20	21	Devices," 15:05:16
22.	Q. But certain of these tests cited to here 15:02:22	22	(WHERELPON, a corrain document was 15/05:16
2.3	are, in fact, ultrasonies, is that right? 15:02:26	23	marked Whitford Deposition Exhibit
24	MR. OSTORC: OSject to form, foundation. 15:02:30	24	No. 11, for identification, as of
	Page 170		Page 172
	BY THE WITNESS: 15:02:30	1	01/12/2018.)
1 1			2.0.275
		l	33 Y THE WITNESS. 15:12:42
2	A. Repeated exposure for two seconds to $\alpha=1502(30$	2	<u> </u>
3	A. Repeated exposure for two seconds to a 15:02:30 frequency of 20 kilohertz at 90 to 100 decibels 15:02:34	3	A. I don't know it' ymr've looked at it, but 15:12:42
2 3 4	A. Repeated exposure for two seconds to a 15:02:30 frequency of 20 kilohertz at 90 to 100 decibels 15:02:34 causes theresis in ruts and cardiac hyperrophy. 15:02:38	3	A. I don't know it'ym've looked at it, but 15:12:42 it doesn't mention the ultrasonic frequencies er 15:12:44
3 4 5	A. Repeated exposure for two seconds to a 15:02:30 frequency of 20 kilokertz at 90 to 100 decibels 15:02:34 causes theresis in rate and cardiac hypertrophy. 15:02:38 Q. Are you reading a quole? 15:02:40	2 3 4 5	A. I don't know it' you've looked at it, but 15:12:42 it doesn't mention the ultrasonic frequencies or 15:12:44 decibel levels of anything used at any point in 15:12:50
3 4 5 6	A. Repeated exposure for two seconds to a 15:02:30 frequency of 20 kilokertz at 90 to 100 decibels 15:02:34 causes theresis in rats and cardiac hypertrophy. 15:02:38  Q. Are you reusing a quote? 15:02:40  A. I am on page 264, but that's not - 15:02:42	2 3 4 5	A. I don't know if 'ymr've looked at it, but 15:12:42 it doesn't mention the ultrasonic frequencies er 15:12:44 deeihel levels of anything used at any point in 15:12:50 there. 15:12:52
3 4 5 6 7	A. Repeated exposure for two seconds to a 15:02:30 frequency of 20 kilohertz at 90 to 100 decibels 15:02:34 causes theresis in ruts and cardiac hypercrophy. 15:02:38  Q. Are you reading a quote? 15:02:40  A. I am on page 264, but that's not = 15:02:42  Q. Hokl on, I think we're on different 15:02:46	2 4 5 6 7	A. I don't know if 'ymr've looked at it, but 15:12:42 it doesn't mention the ultrasonic frequencies or 15:12:44 decided levels of anything used at any point in 15:12:50 there. 15:12:52 BY MR. KOPEL: 15:12:54
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2 2 3 4 4 5 6 6 7 7 8 9 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22	A. Repeated exposure for two seconds to a 15:02:30 frequency of 20 kilohertz at 90 to 100 decibels 15:02:34 causes theresis in ruts and cardiac hyperrophy. 15:02:38  Q. Are you reusing a quote? 15:02:40  A. Lum on page 264, but that's not - 15:02:46  Exhibits right now. 15:02:46  Exhibits right now. 15:02:46  A. Well, this was the last one you gave me. 15:02:52  Q. Yes no, that was not. I'm on the 15:02:54  Howard and Marsh Exhibit. 15:02:58  A. Oh, I'm sorry. 15:02:58  Okay, so test results. Prequencies of 4 15:03:06  to 48 kilohertz, that's sonic in ultrasound up to 15:03:36  140 decibels. 9, 6 and 12 kilohertz, 19 kilohertz, 15:03:30  kilohertz, The only thing I'm seeing is a 15:03:34  non-leftsal science at 25 kilohertz at 120 decibels. 15:03:38  Marsh '62, found some repellency to 15:03:48  roderts but discan't give us the frequency or the 15:03:52  daration except that, you know, 17 to 27 days later 15:03:54  there were no rodent there were rodent tracks in 15:04:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know if you've looked at it, but 15:12:42 it doesn't mention the altrasonic frequencies or 15:12:44 decibel levels of anything used at any point in 15:12:50 there. 15:12:52  BY MR. KOPEL: 15:12:54 Q. So let's take this one step at a time, 15:12:54 please. Have you had a chance to review the entire 15:12:56 Exhibit 117 15:13:02 A. I have. 15:13:02 Q. Oksy. And I'll give you a complete 15:13:04 opportantity to give me your thoughts on it; but 15:13:08 taking a look at what you had written about this in 15:13:14 your rebuttal report, having reviewed the Exhibit, 15:13:18 does that change anything that you wrote or not? 15:13:22 A. 1: does not because I commented that the 15:13:26 spaces that they were testing were very — numb too 15:13:28 large, 196 square meters for the grain hins, and 15:13:34 the stoaller buildings were smaller, but I don't 15:13:38 have the information on what frequencies they were 15:13:42 using, they don't specify the device's aume, they 15:13:44
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2 2 3 4 4 5 6 6 7 7 8 9 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22	A. Repeated exposure for two seconds to a 15:02:30 frequency of 20 kilohertz at 90 to 100 decibels 15:02:34 causes theresis in ruts and cardiac hyperrophy. 15:02:38  Q. Are you reusing a quote? 15:02:40  A. Lum on page 264, but that's not - 15:02:46  Exhibits right now. 15:02:46  Exhibits right now. 15:02:46  A. Well, this was the last one you gave me. 15:02:52  Q. Yes no, that was not. I'm on the 15:02:54  Howard and Marsh Exhibit. 15:02:58  A. Oh, I'm sorry. 15:02:58  Okay, so test results. Prequencies of 4 15:03:06  to 48 kilohertz, that's sonic in ultrasound up to 15:03:36  140 decibels. 9, 6 and 12 kilohertz, 19 kilohertz, 15:03:30  kilohertz, The only thing I'm seeing is a 15:03:34  non-leftsal science at 25 kilohertz at 120 decibels. 15:03:38  Marsh '62, found some repellency to 15:03:48  roderts but discan't give us the frequency or the 15:03:52  daration except that, you know, 17 to 27 days later 15:03:54  there were no rodent there were rodent tracks in 15:04:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know if ym've looked at it, but 15:12:42 it doesn't mention the altrasonic frequencies or 15:12:44 decibel levels of anything used at any point in 15:12:50 there. 15:12:52  BY MR. KOPEL: 15:12:54  Q. So let's take this one step at a time, 15:12:54 please. Have you had a clause to review the entire 15:12:56  Exhibit 117 15:13:02  Q. Okay. And I'll give you a complete 15:13:04 opportanity to give me your droughts on it; but 15:13:08 taking a look at what you had written about this in 15:13:14 your rebursh report, having reviewed the Exhibit, 25:13:18 does that change anything that you wrote or act? 15:13:26 spaces that they were testing were vary — much too 15:13:28 large, 196 square meters for the grain bins, and 15:13:34 the stoaller huildings were smaller, but 1 don't 15:13:38 have the information on what frequencies they were 15:13:42 using, they don't specify the decibel levels of it. 1 don't 15:13:44 don't specify the decibel levels of it. 1 don't 15:13:44

1 Q. And, actually while the Court Reporter 2 Q. Okay. So, first of all, you did see 15:14:02 3 that there were smaller testing spaces? 15:14:06 4 A. 1 did. 15:14:08 5 Q. Okey. Did you have anything to add in 15:14:52 6 the meantime on this Exhibit in terms of your 15:14:56 7 thoughts on this test? 15:15:00 8 A. Well, they did two replications three 15:15:02 9 weeks apart. They don't specify how they 15:15:04 10 determined the redent activity particularly. They 15:15:08 11 Q. And, actually while the Court Reporter is marking that, I see here that you had criticized the Shumake study that we just reviewed on the basis of the size of the testing space, but you did see that there were smaller spaces rested as well's see that there were smaller spaces rested as well's 4 houghts on this test? 15:15:00 8 A. Well, they did two replications three 15:15:02 9 weeks apart. They don't specify how they 15:15:04 10 determined the redent activity particularly. They 15:15:08 11 Q. Okay. 15:18:26 12 Q. Okay. 15:18:26 13 Bell & Howell units are supposed to be operated. I 15:15:108 14 don't see that there is enough information here to 15:15:15 15 Bell & Howell units are supposed to be operated. I 15:15:15 16 residence. 15:15:40 17 Q. Now, you mentioned that the replications 15:15:40 18 were several weaks apart. Is that an issue in your 15:15:42 19 mind? 15:15:48 20 A. Not at all. Two replications is better 15:5:5:48 20 D. Not at all. Two replications is better 15:5:5:48 20 D. Not at all. Two replications is better 15:5:5:48 21 D. Rought and the Court Reporter and the testing space, but you did to show the plant of the size of the testing space, but you did to show the stant there were smaller spaces rested as well's actually did to have anything the first size of the stain year in the 1.5:18:18 22 D. A. Well, show they in a size of the testing space, but you did to have anything the first size of the testing space, but you did to have simpler size of the testing space, but you did to have smaller spaces well as the size of the te	15:18:08 15:18:02 2
that there were smaller testing spaces? 15:14:06  A. I did. 15:(4:08  C. Okey. Did you have anything to add in 15:14:50  the meantime on this Exhibit in terms of your 15:14:56  the meantime on this Exhibit in terms of your 15:14:56  A. Well, they did two replications three 15:15:00  A. Well, they did two replications three 15:15:02  words apart. They don't specify how they 15:15:04  feermained the rodent activity particularly. They 15:15:08  in direct contradiction to the way the 15:15:18  Bell & Howell units are supposed to be reported. I 15:15:18  Bell & Howell units are supposed to be reported. I 15:15:18  don't see that there is enough information here to 15:15:22  feermane these to the Bell & Howell rests in a 15:15:40  Q. Now, you mentioned that the replications 15:15:42  Method & Did Shumake study that we just reviewed on the basis of the size of the testing space, but you did to see that there were smaller spaces for a well?  A. I did. 4 basis of the size of the testing space, but you did to see that there were smaller spaces for a well?  A. I did. but that wasn't apparent in the 1: 4 abstract that I had been on it. 15:18:18  Q. Okay. 15:18:26  P. A. Which simply told me about 196 square meters which is a tremendously large area and impossible to reach with ultrasound especially we its filled with grain. 15:18:36  Bell & Howell units are supposed to be reported. I 15:15:18  Q. And you mention here 175 square feet regarding that. Would it be a problem to use an alternative part feet? 15:19:08  The Shumake study that we just reviewed on the basis of the testing space. but you did to the set of the testing space, but you did to the small supparent in the 1: 4 basis of the tisting space. The sample of the testing space. The set of the testing space for a basis of the size of the testing space. The sample of the testing space. The sample of the testing space for a basis of the star was stipulated by Diane in the star the replications is 15:15:42  B. A. Which simply test that I had seen on it. 15:18:18  A. Th	15:18:08 15:18:02 2
4 A. I did. 15:14:08 5 Q. Okey. Did you have anything to add in 15:14:52 6 the meantime on this Exhibit in terms of your 15:14:56 7 thoughts on this test? 15:15:00 8 A. Well, they did two replications three 15:15:02 9 works apart. They don't specify how they 15:15:04 10 determined the rodent activity particularly. They 15:25:08 11 were using areas with food already present which is 15:15:14 12 in direct contradiction to the way the 15:15:14 15 Boll & Howell units are supposed to be operated. I 15:15:18 14 don't see that there is enough information here to 15:15:22 15 compare those to the Bell & Howell rests in a 15:15:40 16 residence. 15:15:40 17 Q. Now, you mentioned that the replications 15:15:40 18 were several works apart. Is that an issue in your 15:15:42 19 mind? 15:15:48 20 A. Not at all. Two replications is before 15:05:48 21 the meantime on this Exhibit in terms of your 15:15:45 22 in three were smaller spaces, but you did to a see that there were smaller spaces, but you did to see that there were smaller spaces, but you did to see that there were smaller spaces, but you did to see that there were smaller spaces, but you did to see that there were smaller spaces, but you did to see that there were smaller spaces, but you did to see that there were smaller spaces, but you did to a see that there were smaller spaces restred as well?  A. I did, but that I had seen on it. 15:18:18  A. Well, they did two replications three 15:15:00  7 abstract that I had seen on it. 15:18:18  8 Q. Okay. 15:18:26  10 impossible to reach with ultrasound especially we meters which is a tremendously large area and its impossible to reach with ultrasound especially were its filled with grain. 15:18:36  12 indirect contradiction to the way the 15:15:20  13 Q. And you mention here 175 square feet regarding that. Would it be a problem to use at all transcric pest repelled for an area exceeding. 175 square feet?  A. That's what the Bell & Bowell used because that the proper size for a room to be as in the proper size for a room to b	15:18:32 2: 15:18:16 5:18:20 3:24 35:18:26 15:18:30 then 15:18:34 15:18:42 J5:18:46 15:18:54
5 Q. Okey. Did you have anything to add in 35:14:52 6 the meantime on this Exhibit in terms of your 15:14:56 7 thoughts on this test? 15:15:00 8 A. Well, they did two replications three 15:15:02 9 works apart. They don't specify how they 15:15:04 9 works apart. They don't specify how they 15:15:04 9 A. Which simply told me about 106 square 10 meters which is a tremendously large area and 11 were using areas with food already present which is 15:15:10 15 Boll & Howell units are supposed to be operated. I 15:15:18 16 G. Okey. 15:18:26 17 abstract that I faid seen on ir. 15:18:26 18 Q. Okey. 15:18:26 19 A. Which simply told me about 106 square 10 meters which is a tremendously large area and 11 indirect contradiction to the way the 15:15:14 15 indirect contradiction to the way the 15:15:15 16 and write grain. 15:18:36 17 don't see that there is enough information here to 15:15:22 18 don't see that there is enough information here to 15:15:22 19 don't see that there is enough information here to 15:15:40 10 mit regarding that. Would it be a problem to use an 15:15:40 11 altrasorsic pest repelled for an area exceeding. 15:15:40 12 altrasorsic pest repelled for an area exceeding. 16:175 square feet? 15:19:08 18 were several works apart. Is that an issue in your 15:15:42 19 mind? 15:15:48 20 A. Not at all. Two replications is before 15:05:48 20 in her deposition. Would it work in a larger than	2   150 8:16 5:18:20 35:18:26 15:18:30 then   15:18:34 15:18:42 J5:18:46 15:18:54
6 the meantime on this Exhibit in terms of your 15:14:56 7 thoughts on this test? 15:15:00 8 A. Well, they did two replications three 15:15:02 9 works apart. They don't specify how they 15:15:04 9 works apart. They don't specify how they 15:15:04 10 determined the redent activity particularly. They 15:15:08 11 were using areas with food already present which is 15:15:10 12 in direct contradiction to the way the 15:15:14 13 Bell & Howell units are supposed to be aporated. I 15:15:18 14 don't see that there is enough information here to 15:15:22 15 compare these to the Bell & Howell tests in a 15:15:26 16 residence. 15:15:40 17 Q. Now, you mentioned that the replications 15:15:40 18 were several works apart. Is that an issue in your 15:15:42 19 mind? 15:15:48 20 A. Not at all. Two replications is better 15:05:48 20 in her deposition. Would it work in a larger than	5:18:20 35:18:26 15:18:30 then 15:18:34 15:18:42 J5:18:46 15:18:54
7 thoughts on this test? 15:15:00 7 abstract that I had seen on it. 15:18 8 A. Well, they did two replications three 15:15:02 8 Q. Okay. 15:18:26 9 works apart. They don't specify how they 15:15:04 9 A. Which simply told me about 196 square 10 determined the redent activity particularly. They 15:25:08 10 meters which is a tremendously large area and 11 were using areas with food already present which is 15:15:10 15 impossible to reach with ultrasound especially with direct contradiction to the way the 15:15:14 12 ids filled with gram. 15:18:36 15 Bell & Howell units are supposed to be operated. I 15:15:18 13 Q. And you mention here 175 square feet 14 don't see that there is enough information here to 15:15:22 14 regarding that. Would it be a problem to use an 15:15:40 16 175 square feet? 15:19:08 17 A. That's what the Bell & Howell used 18 were several works apart. Is that an issue in your 15:15:42 18 locatose that's what was stipulated by Diane 19 mind? 15:15:48 19 Fenerstein as the proper size for a room to be use 20 in her deposition. Would it work in a larger than	15:18:26 15:18:30 then 15:18:34 15:18:42 J5:18:46 15:18:54
8 A. Well, they did two replications three 15:15:02 8 Q. Okay. 15:18:26 9 works apart. They don't specify how they 15:15:04 9 A. Which simply told me about 196 square 10 determined the redent activity particularly. They 15:15:08 10 meters which is a tremendously large area and 15 were using areas with food already present which is 15:15:10 15 impossible to reach with ultrasound especially with grain. 15:18:36 16 Howell units are supposed to be operated. I 15:15:18 17 Q. And you mention here 175 square feet 18 don't see that there is enough information here to 15:15:22 18 regarding that. Would it be a problem to 98c at 18 compare those to the Bell & Howell resis in a 15:15:40 19 Litrasonic pest repelled for an area exceeding. 15:19:08 19 mind? 15:15:48 19 Pencirstein as the proper size for a room to be estable mind? 15:15:48 20 in her deposition. Would it work in a larger than	35:18:26 15:18:30 then 15:18:34 15:18:42 J5:18:46 15:18:54
9 works apart. They don't specify how they 15:15:04 9 A. Which simply told me about 196 square 10 determined the redent activity particularly. They 15:15:08 10 meters which is a tremendously large area and 11 were using areas with fixed already present which is 15:15:10 15 impossible to reach with ultrasound especially with grain. 15:18:36 13 Bell & Howell units are supposed to be operated. I 5:15:18 13 Q. And you mention here 175 square feet 14 don't see that there is enough information here to 15:15:22 14 regarding that. Would it be a publicular to 9 to 15:15:40 15 ultrasonic pest repelled for an area exceeding. 15:15:40 16 175 square feet? 15:19:08 17 A. That's what the Bell & Howell used 18 were several weeks apart. Is that an issue in your 15:15:42 18 locates that was stipulated by Diane 19 mind? 15:15:48 19 Fenerstein as the proper size for a room to be as 20 in her deposition. Would it work in a larger than	15:18:30 then 15:18:34 15:18:42 J5:18:46 15:18:54
10 determined the redent activity particularly. They 15:15:08 11 were using areas with food already present which is 15:15:10 12 in direct contradiction to the way the 15:15:14 13 Boll & Howell units are supposed to be operated. I 15:15:18 14 don't see that there is enough information here to 15:15:22 15 compare these to the Boll & Howell rems in a 15:15:26 16 residence. 15:15:40 17 Q. Now, you mentioned that the replications 15:15:40 18 were several weeks apart. Is that an issue in your 15:15:42 19 mind? 15:15:48 20 A. Not at all. Two replications is better 15:05:68 10 meters which is a tremendously large area and 15 impossible to reach with ultrasound especially with grain. 15:18:36 12 ids filled with grain. 15:18:36 13 Q. And you mentione here 175 square foot 14 regarding that. Would it be a problem to use an 15:15:20 14 regarding that. Would it be a problem to use an 15:15:40 16 175 square foot? 15:19:00 17 A. That's what the Boll & Howell used 18 because that's what was stipulated by Diane 19 mind? 15:15:48 20 in her deposition. Would it work in a larger than	15:18:30 then 15:18:34 15:18:42 J5:18:46 15:18:54
15 were using areas with food already present which is 15.15(10) 15 impossible to reach with altrasound especially with in direct contradiction to the way the 15(15)(14) 12 ids filled with grain. 15(18)(36) 13 Bell & Howell units are supposed to be operated. I 15(15)(18) 13 Q. And you mention here 175 square feet 14 don't see that there is enough information here to 15(15)(22) 14 regarding that. Would it be a problem to use an 15 compare those to the Bell & Howell rests in a 15(15)(26) 15 altrasonic pest repelled for an area exceeding. 16 residence. 15(15)(40) 16 175 square feet? 15(19)(8) 17 A. That's what the Bell & Howell used 18 were several weeks apart. Is that an issue in your 15(15)(42) 18 locates that's what was stipulated by Diane 19 mind? 15(15)(48) 19 Fenerstein as the proper size for a room to be as 20 in her deposition. Would it work in a larger than	then 15:18:34 15:18:42 J5:18:46 15:18:54
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15 Boll & Howell units are supposed to be operated. I 15:15:18 13 Q. And you mention here 175 square foot 14 don't see that there is enough information here to 15:15:22 14 regarding that. Would it be a problem to use an 15 compare those to the Bell & Howell rests in a 15:15:26 15 altrasonic pest repelled for an area exceeding. 16 residence. 15:15:40 16 175 square foot? 15:19:08 17 A. That's what the Bell & Howell used 18 were several weeks apart. Is that an issue in your 15:15:42 18 because that's what the Bell & Howell used 19 mind? 15:15:48 19 Fewerstein as the proper size for a room to be as 20 A. Not at all. Two replications is better 15:35:48 20 in her deposition. Would it work in a larger than	15.18;42 J5;18.46 15:18:54
14 don't see that there is enough information here to 15:15:22  15 compare those to the Bell & Howell rests in a 15:15:26  16 residence. 15:15:40  16 175 square feet? 15:19:08  17 Q. Now, you mentioned that the replications 15:15:40  18 were several works apart. Is that an issue in your 15:15:42  19 mind? 15:15:48  20 A. Not at all. Two replications is better 15:05:48  14 regarding that. Would it be a problem to 080 and 15:15:40  15 ultrasonic pest repelled for an area exceeding.  16 175 square feet? 15:19:08  17 A. That's what the Bell & Howell used  18 because that's what was stipulated by Diane  19 Fencerstein as the proper size for a room to be as	J5(18:46 15:18:54
compare those to the Bell & Howell rests in a 15:15:26 15 ultrasonic pest repelled for an area exceeding.  16 residence. 15:15:40 16 175 square feet? 15:19:00  17 Q. Now, you mentioned that the replications 15:15:40 17 A. That's what the Bell & Howell used 18 were several weeks apart. Is that an issue in your 15:15:42 18 locations that's what was stipulated by Diane 19 mind? 15:15:48 19 Feneratein as the proper size for a room to be as 20 A. Not at all. Two replications is better 15:05:48 20 in her deposition. Would it work in a larger than	15:18:54
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18 were several weeks apart. Is that an issue in your 15:15:42  19 mind?  15:15:48  18 because that's what was scipulated by Diane  19 mind?  15:15:48  19 Peacerstein as the proper size for a room to be as  20 A. Not at all. Two replications is better 15:05:48  20 in her deposition. Would it work in a larger than	,
18 were several weeks apart. Is that an issue in your 15:15:42  19 mind?  15:15:48  18 because that's what was scipulated by Diane  19 mind?  15:15:48  19 Peacerstein as the proper size for a room to be as  20 A. Not at all. Two replications is better 15:05:48  20 in her deposition. Would it work in a larger than	15:19:04
19 mind?   15:15:48   19 Fenceratein as the proper size for a room to be as   20   A. Not at all. Two replications is better   15:15:48   20   in her deposition. Would it work in a larger than	15:19:10
20 A. Not at all. Two replications is better 15:55:48 20 in her deposition. Would it work in a larger than	ed 15:19:16
21 than no replications, but it's still only two. 15:15:50 21 175 square feet is going to be determined by the	
22 Q. Well, how many replications are 15:15.52 22 nature of the maserials that make up the room, vi	
23 necessary? 15:15:54 23 kind of obstacles there are in the morn, and the	15:19:30
24 A. Well, according to Dr. Porter, 10 is the 15:15:54 24 linearity of the structures. 15:19:	34
Page 174	Page 176
1 minimum, although he didn't provide any. (5:15:58 1 Q. When you say materials, can you please	15:19:38
2 (). Would you agree that the number of 15:16:10 2 ciahorate on that? 35:19:40	
	5 19:40
. 4 of the sample size used in testing? 15:16:26 4 Guoring, hard surface versus soft textured walls.	
	:19:46
6 BY MR, KOPEU: 15:16:28 6 Dooring, what would be the appropriate range for	
7 Q. Sorry, I can rephrase that if you're 15:16:30 7 the devices? 15:19:58	
8 confused. 15:16:32 8 MR. OSTORC: Object to form, incomplete	15:19:58
9 A. Pri not confused. Pri just thinking 15:16:34 9 hypotherical, but go shoud. 15:2	
	20:02
11 sample size helps, but of course we saw in the 15:16:42 31 A. I don't know the exact answer to that	15;20;02
12 Chinese test that just increasing the number of 15:16:48 12 because nobody has done the measurements, low	
13 rats and mice screwed up the whole thing in 2016, 15:16:52 13 know that if attenuates the sound, it would be a	
14 so sample size is not a be all and end all. 15:16:56 14 matter of the angle at which the sound waves me	
15 Replications of the same size is what's important. 15:17-04 15 the carpet would determine the degree to which	
16 Q. Okay. You can put to the side, pleuse. 15:17:10 16 arremands because a scoper angle will cause me	
	20:20
18 please mark as Exhibit 12 "Oltrasound as a 55(17:36) 18 Q. A steeper angle, would that mean that	15:20:24
• • • • • • • • • • • • • • • • • • • •	15:20:26
	(20:30
21 marked Whitford Deposition Exhibit 21 Q. Okay. But assuming it was pointing	15.20:32
	15:20:34
22 No. 12, for identification, as of   22 straight out because you've plugging it into a   23 onl/(2/2018.)   23 wall?   15:20:36	·-·
1 62 mm. 15.20.56	
	15:20:38

1		·		<u> </u>
3 modifies cound ferosters for enough	1	pointing straight out, then there is this area that 15:20:40	1	defense. It diminishes by the second row and more 15:28:26
4	2	it's not acceting for whatever the distance is out = 15(20/44)	2	by the third row, and by the time you reach the 15:28:30
S. A. — see make connect with the first.   15:20:50	3	until the sound broadens for enough - 55:20:46	3	eighth row, it's going to have a fraction of a few 15:28:32
6 Q.   Landerstund   15:20:52   5 Charles   15:20:52   7 year see that   15:28:44   5 (2) Okay. Okay, thank you. Carryoe glesses   15:20:54   7 year see that   15:28:44   15:28:45   15:28:46   15:	4	Q. Tunderstand. 35.20:50	4	decibels, 15:28:36
7	5	A to make contact with the floor. 15:20:50	5	Q. Understood, Well, actually, so you saw 15:28:36
S	ð	Q. Lunderstund. 15:20:52	6	that the last row was measured at 59 decibels, do = 15;28:40
9   Value a look at this Exvoice and Grahm Exhibit.   15:20:38   9   Q. Yes.   15:28:46   15:28:48   15:28:4	7	A. So you're leaving an area unprotected. 15:20:52	7	you see that? 15(28.44
10   Fixhibit 12 Ljour handed to yout and let me browy   15:21:08   10   A   I don't see that as how physically   15:28:48   11   when you're ready, please?   15:21:10   11   possible with those untils unless they were   15:28:52   15:28:54   13   Q.   Have you had a complete opportunity to   15:26:36   13   111. Thracound should not be at flast level 31   15:29:08   15:29:09   15	8	Q. Okay, Okay, thank you. Can you please 15:20:54	- 8	A. The last row in here? 15:28:44
11   When you're ready, picase?   15:24:10   21   possible with these units unless they were   15:28:52   12   A. Okay.   15:26:38   12   20   20   20   20   20   20   20	9	take a look at this Lavoie and Glahn Exhibit, 15:20:58	9	Q. Yes. 15:28:46
12   A. Okay.   15:26:24   15:26:36   15:2	10	Exhibit 12 Ljust banded to you, and let me know	20	A. I don't see that as how physically 15:28:48
13   Q. Have you had a complete opportunity to 15.26.36   13   111. Ultracound should not set if fact level 21   15.29.02	Ή	whon you're ready, picaso? 15:21,10	11	possible with these units unless they were 15:28:52
14   review Fartilities   127   15.26:38   74   materix from the source.   15:29:08   15:29:08   15:29:08   15:29:08   15:29:09   15:29:09   15:29:09   15:29:09   15:29:09   15:29:09   15:29:10   17   A. Motre time would lead more, but there is 15:26:44   17   using three units at once, so the collective force   15:29:10   15:29:10   15:29:10   15:29:10   15:29:10   15:29:20   15:	12	A. Okay. 15:26:24	:2	producing well, the top decibel level is only = 15:28:54
15   A. Adequately.   15:20:42   15   Q. Okay.   15:29:08   15:29:10   15:20:42   16   A. There is one thing I can say. They're   15:29:10   17   A. More dine would lead more, but there is 15:26:44   18   of the tire is higher.   15:29:16   19   Q. Dore your view of Exhibit 12 aber your   15:26:56   19   Q. I was going to ask you about that. So   15:29:20   20   comments on the study written in your rebuttal   15:27:60   21   believe yearle out, and Put in the results portion.   15:29:20   22   A. No, it does not.   15:27:60   22   The actually referencing page 25 here which is   15:29:22   23   Q. Okay. Why not?   15:27:08   23   from an average of 89 decibels at the row closest   15:29:32   24   A. Because the length of the room as   15:27:12   Page 178   16   last rew 22.5 readers from the generators.   15:29:32   24   to the generators of an average of 59 decibels at 15:29:44   reach on this diagram roughly to here (witness   15:27:36   4   50 decibels were recorded at each of the four   15:29:32   15:29:44   reach on this diagram roughly to here (witness   15:27:36   5 they're at. This area is completely out of range.   15:27:36   5 they're at. This area is completely out of range.   15:27:36   6   A. I do.   15:29:25   15:29:2	1.3	Q. Have you had a complete opportunity to 15:26:36	53	111. Ultrasound should not Scat that level 31 35:29:02
16 Q. Okay.   15:26:42   20 A. There is one thing I can say. They're   15:29:10	14	review Richibit 127 15:26:38	34	motors from the source. 15:29:08
17   A. More time would lend more, but there is 15:26:44   18 planty there to discuss.	15	A. Adequately. 15:26:42	35	Q. Okay. §5.29:08
18   plenty there to discuss.   15:26:46   18   Of the three is higher.   15:29:16   19   Q. Dores your view of Exhibit 12 alter your   15:26:56   19   Q. I was going to ask you about that. So   15:29:22   15:29:22   16:20:20?   15:27:06   20   Din actually referencing page 25 here which 1   15:29:22   15:29:22   22   A. No, it does not.   15:27:06   22   The second suctioned says. The sound attenuated   15:29:28   23   Q. Okay. Why not?   15:27:08   23   from an average of 89 decibels at the row closers   15:29:32   24   A. Because the length of the room is   15:27:12   Page 178   24   The standard actioned suctioned says. The sound attenuated   15:29:32   24   to the generators on an average of 59 decibels at the row closers   15:29:34   Page 180   24   Page 180   25:25:25   25			30	
19   Q. Does your view of Exhibit 12 alter your   15:26:56   19   Q. 1 was going to ask your about that. So   15:20:20	17	A. More time would lend more, but there is 15:26:44	17	using three units at once, so the collective force = 15:29:12
20   comments on the sandy written in your rebuiltal   15:27:08   21   believe you're on, and Pro in the results portion.   15:29:28   22   A. No, it does not.   15:27:08   22   The second sentence ways. The sound attenuated   15:29:28   23   Q. Okay. Why not?   15:27:08   23   The second sentence ways. The sound attenuated   15:29:28   24   A. Because the length of the room is   15:27:12   24   Page 178   25   26   27   27   27   28   29   29   29   29   29   29   29	18	plenty there to discuss. 15:26:46	38	of the three is higher. 15:29:16
21   report?   15:27:06   22   believe years on, and Tru in the results partion.   15:29:28   15:29:28   23   Q. Okay. Why not?   15:27:08   23   from an average of 89 decibels at the row closest   15:29:33   15:29:34   24   A. Because the length of the room is   15:27:12   25:27:12   25:27:12   26   from an average of 89 decibels at the row closest   15:29:33   24   A. Because the length of the room is   15:27:12   25:27:14   1   the last row 22.5 meters from the row the results are the farthest end of that, and they would   15:27:14   2   The next sendance reads, The field   15:29:28   2   the last row 22.5 meters from the generators."   15:29:38   2   the last row 22.5 meters from the generators."   15:29:38   2   the last row 22.5 meters from the generators."   15:29:38   2   The next sendance reads, The field   15:29:44   2   the last row 22.5 meters from the generators."   15:29:38   2   The next sendance reads, The field   15:29:42   3   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from, sound level readings of less than 15:29:44   2   son-sound from the sound from 15:29:44   2   son-sound from the sound from 15:29:44   2   son-sound from the s	19	•	19	
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23   Q. Okay, Why not?   15:27:08   23   from an average of 89 decibels at the row closes   15:29:32   24   A. Because the length of the room is   15:27:12   Page 178   Page 178   Page 189		•	2)	•
24   A.	:	·	22	
Page 178   Page 178   Page 189				*
3   Jacobs and the effective range of these things   15:27:14   1   the last rew   22.5 restors 5 out the generators."   15:29:38   15:29:38   2   The next scribered coads, "In the   35:29:42   3   non-round room, sound level readings of less than   15:29:44   4   reach on this diagram roughly to here evitness   15:27:36   4   50   decibels were recorded at each of the flow   15:29:45   5   feeding stations."   Do you see that?   15:29:50   15:29:50   6   A.   1   1   10.   15:29:52   7   repellers at the frequencies and decibel levels   15:27:40   7   Q.   Okuy. Would 59   decibels have been   15:29:52   8   they're at. This area is completely out of range   15:27:46   8   sofficient to repell the animals in this study?   15:30:00   9   Q.   So far completely out of range   15:27:54   9   MR. OSTOTIC: Object, incomplete hypothetical, 15:30:08   15:20:08	: 2 <del>4</del>	<del>-</del>		
2   15 less than 7 metars. You have these ultershild   15:27:18   2   The post sentence reads, Thicker   15:29:42   3   annistrant the farthest cad of that, and they would   15:27:24   3   annistrant the farthest cad of that, and they would   15:27:30   4   50   decibels were recorded at each of the four   15:29:48   5   indicating), so you can't drive the things away   15:27:36   5   feeding stations." Do you see that?   15:29:50   5   feeding stations. To you see that?   15:29:50   7   repellers at the frequencies and decibel levels   15:27:40   7   Q. Okay. Would 59 decibels have been   15:29:52   8   feeling stations of range   15:27:46   8   sufficient to repell the animals in this study?   15:30:00   9   Q. Se for completely out of range   15:27:48   9   MfR. OSTOTIC: Object, incomplete hypothetical, 15:30:08   15:20:08   16:20	$\overline{}$	21 margar and the offsetine cover of the office at 15.97.14		the last may 20 S and no Sum the common on the 18-dB-19
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Feech on this diagram roughly to here (witness   15:27:30				
5   indicatingly, so you can't drive the things away   15:27:36   5   feeding stations." Do you see fact?   J5:29:50     6   from the read of that with those three sound   15:27:38   6   A. J.				
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8 Shey're at. This area is completely out of range. 15:27:46  9 Q. So for completion of the record just 15:27:48  9 MR. OSTOTIC: Object, incomplete hypothecical, 15:30:08  10 because the Count Repurter carly see where you 15:27:54  11 drew, can you count how many spaces back you just 15:27:54  12 drow? 15:27:56  13 A. Berween the sixth and seventh margin 15:27:58  14 would represent between the sixth and seventh meter 15:28:34  15 which is 18 to 20 feet. The range of these things 15:28:08  15 is 20 feet. 15:28:10  16 So 90 decibels, 100 decibels is ten times the 15:30:16  17 Sheight of 90 decibels, not 10 percent greater. 15:30:36  18 fac decibel levels? 15:28:14  15:28:16  15:28:26  16 So 59, 69, 79, 89, 99, we're looking at 40 times 15:20:34  16 decibel level was 89, you saw that? 15:28:20  17 chacks adequate. It wasn't in Gould's studies. 15:30:50  18 decibel level was 89, you saw that? 15:28:20  20 Okey. Is that an adequate amount? 15:28:22  21 A. Resident to repel the animals in this study? 15:30:08  15:30:08  15:30:08  15:30:08  15:30:09  15:30:10  16 but go ahead. 15:20:08  17 Joint WITNESS: 15:30:10  18 So 59, 69, 79, 89, 99, we're looking at 40 times 15:30:26  17 sheight of 90 decibels, not 10 percent greater. 15:30:36  18 So 59, 69, 79, 89, 99, we're looking at 40 times 15:20:34  19 A. They did. 15:28:16  10 Q. Okay. So they saw at the first row the 15:28:26  21 decibel level was 89, you saw that? 15:28:20  22 A. Okey. 15:28:22  23 adequate. If Gould's studies. 15:31:00  24 A. Resident for that first row's 15:28:22  24 Q. Let's talk about the first row, right, 15:30:30				
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18 the decibed levels?       15:28:14       18 So 59, 69, 79, 89, 99, we're looking at 40 times       15:20:34         19 A. They did.       15:28:16       19 less volume than we're looking at with 98.       15:30:44         20 Q. Okay. So they saw at the first row the 15:28:36       20 99 decibels, and I doubt very strongly whether 15:30:50       15:30:50         21 decibel level was 89, you saw that?       15:28:20       21 that's adequare. It wasn't in Gould's studies, 15:30:52         22 A. Okay.       15:28:22       22 1984 Gould studies, even at short range it wasn't 15:30:54         23 Q. Okay. Is that an adequate amount?       15:28:22       23 adequate in Gould's studies.       15:31:00         24 A. It's adequate for that first row's 15:28:24       24 Q. Let's talk about the first row, right, 15:31:02				
19       A. They did.       15/28/16       19 less volume than we're looking at with 98.       15:30:44         20       Q. Okay. So they saw at the first row the 15/28:16       20 99 deciliels, and I doubt very strongly whether 15:30:50       15:30:50         21 deciliel level was 89, you saw that?       15:28:20       21 that's adequate. It wasn't in Gould's studies, even at short range it wasn't 15:30:54         22       A. Okay.       15:28:22       22 1984 Gould studies, even at short range it wasn't 15:31:00         23       Q. Okay. Is that an adequate amount? 15:28:22       23 adequate in Gould's studies. 15:31:00         24       A. It's adequate for that first row's 15:28:24       24 Q. Let's talk about the first row, right, 15:31:02				
20       Q. Okay. So they saw at the first row the decided level was 89, you saw that?       15:28:20       20       99 decideds, and I doubt very strongly whether decided level was 89, you saw that?       15:28:20       21       chad's adequate. It wasn't in Gould's studies, even at short range it wasn't decided studies, even at short range it wasn't decided studies.       15:30:50         22       A. Okay.       15:28:22       22       1984 Gould studies, even at short range it wasn't decided studies.       15:31:00         23       Q. Okay. Is that an adequate amount?       15:28:22       23       adequate in Gould's studies.       15:31:00         24       A. It's adequate for that first row's decided studies.       15:31:00				
21 decibel level was 89, you saw that?     15:28:20     21 deads adequate. It wasn't in Gould's studies, and it wasn't in Gould's studies, and it wasn't in Gould's studies, even at short range it wasn't in 15:30:54       22 A. Okay.     15:28:22     22 1984 Gould studies, even at short range it wasn't in 15:30:54       23 Q. Okay. Is that an adequate amount?     15:28:22     23 adequate in Gould's studies.     15:31:00       24 A. It's adequate for that first row's in 15:28:24     24 Q. Let's talk about the first row, right, in 15:31:00		,		-
22     A. Oksy.     15:28:22     22 1984 Goeld studies, even at short range it wasn't 15:30:54       23     Q. Oksy. Is that an adequate amount? 15:28:22     23 adequate in Gorld's studies. 15:31:00       24     A. It's adequate for that first row's 15:28:24     24 Q. Let's talk about the first row, right, 15:31:02				
23       Q. Okey. Is that an adequate amount?       15:28:22       23 adequate in Goods's studies.       15:31:00         24       A. It's adequate for that first row's       15:28:24       24       Q. Let's talk about the first row, right, 15:31:00				•
24 A. It's adequate for that first row's 15:28:24 24 Q. Let's talk about the first row, right, 15:31:02		·		
				·
				Page 181

J	because according to the results here, it seemed = 15:31:04	1	to people who store large amounts of grain and deal   15:34:16
2	that affect a profud the codents were still coming 15(31:06	: 2	with shipping and purchasing of grain. It's not 15:34:20
3	to cat from the first row where it was 89 decibels, 15,31;12.	3	out there for the general reader, and most of \$15:34:26
; 4	is that correct? 15:31:14	4	es - I don't think one biologist out of 100 will 15,34;30
5	A. I did not eatch that line. Can you 15:31:16	, 5	
6	point me to it? 15:31:20	j 6	Q. I'm going to show you one more. 15:34:38
7	Q. Well, the last the correlusion of the 15:32:10	7	
8	study here is: "Our studies did not demonstrate 15:32:14	l R	
9	that either type of ultruscrite generator would be 15:32:18	١,	
10		10	
111	or proviousing them from taking food even quite 15:32:24	11	
12	• • • • • • • • • • • • • • • • • • • •	22	·
: 13	A. Are you hask at the obstruct because 1 = 15:32:28	13	
14	don't see a conclusion on try pages? 15:32:30	14	,
15	Q. It's the last sentence of the 15:32:32	15	
16	discussion. 15(32:34	:	
17	A. Oh, okay. Well, over the course of 15:32:34		
18	, . ,	1	
19	did the rate have an option for leaving the 15:32:52	19	•••••
20	summing enringly or got. 15:32:54	20	7, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,
21	Q. Well, weren't they able to go to the 15:32:56		
22	nan-sound coon? 15:32:58	21	
23		i	
1	A. They did that for a considerable length   15:35:00 of time.   15:33:02	: 23	Q. Take us long as you want to review it. 15:35:38
24	of time. 15;33:02 Page 182		Let me know when you're ready. 15:35:40 Page 164
1	Q. However 15:33:04	1	Al. Okay. As Eve held all along, the \$5:35:42.
2	A. It implies that they would have left if 15:33:06	2	equipment that they were using in this day and age - 15,37/36
	tkey could have, 15:33:08	3	was nothing like what we have since 1995, but the 15.37(40
4	Q. So do you believe that they became 15:33:10	1	nally lests they claim to have done were using 15:37:46
5	habituated to the sound while in the non-sound 15:33:12	5	Ecoptivacies from 100 to 1,600 cycles per second at 15:37:48
6	roora? 15:33:14	1 6	100 1 2 1 2 2 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
7	NAME AND DESCRIPTION ASSESSMENT AND ADDRESS OF THE PARTY	1 "	100 decibels, that's not uterasound. That's sonic 15:37:54
1	MR OSTOTIC: Object, incomplete hypothetical, 15:33:14	1	100 deapters, that's not intraseured. That's some 15:37:54 sound. 15:37:56
8	form, foundation, but go ahead. 15:33:16	1	
I		7 8	sound. 15:37:56
I	form, foundation, but go ahead. 15(33;16	7 8	sound. 15:37:56 Q. So how much cycles per second is 15:38:08
9 10	to the foundation, but go ahead.         15:33:16           BY THE WIENESS:         15:33:18	7 8 9 10	sound. 15:37:56 Q. So how much cycles per second is 15:38:08 ultrasound? 15:38:10
9 10 11	toute, foundation, but go ahead. 15(33;16  BY THE WTENESS: 15(33)18  A. Exposore to the level at a sound which 15:33(18)	7 8 9 10	sound. 15:37:56 Q. So how much cycles per second is 15:38:08 uttrasound? 15:38:10 A. Above 20,000, form 20,000 to 45,000 15:38:12
9 10 11 11	to the, foundation, but go ahead.       15(33)16         BY THE WIENESS:       15(33)18         A. Foxposore to the level at a sound which 15:33(18) is not discressing to them does cause them to 15:33.20	7 8 9 10	sound. 15:37:56 Q. So how much cycles per second is 15:38:08 ultrosound? 15:38:10 A. Above 20,000, four 20,000 to 45,000 15:38:12 would be 19 is audible. 15:38:16
9 10 11 11	form, foundation, but go ahead. 15:33:16  BY THE WITHESS: 15:33:18  A. Exposore to fae level at a sound which 15:33:18 is not discressing to them does cause teem to 15:33:20 realize that its not harmful to them over time and 15:33:24	7 9 10 11 12	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, four 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24
9 10 11 12 13 14	form, foundation, but go ahead. 15:33:16  BY THE WIENESS: 15:33:18  A. Exposore to fae level at a sound which 15:33:18  is not discressing to them does cause teem to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 doa't 15:33:26	7 8 9 10 11 12	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, four 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. I have not. Since wo're not seeing 15:38:28
9 10 11 12 13 14 15	forms foundation, but go ahead. 15:33:16  BY THE WIENESS: 15:33:18  A. Exposore to the level at a sound which 15:33:18  is not discressing to them does cause teem to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 don't 15:33:26  see this as being important in terms of what 15:33:32	7 9 10 11 12 13	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, form 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. There are. Since we're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38
9 10 11 12 13 14 15 26	form, foundation, but go ahead. 15:33:16  BY THE WITNESS: 15:33:18  A. Exposore to the level at a sound which 15:33:18  is not distressing to them does cause term to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 doa't 15:33:26  see this as being important in forms of what 15:33:32  kappens an terms of Bell & Howell's smaller units 15:33:38	7 9 10 11 12 13 14 15	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, from 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. Thive not. Since wo're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibal levels to the 15:38:42
9 10 11 12 13 14 15 26	form, foundation, but go ahead. 15:33:16  BY THE WIENESS: 15:33:18  A. Exposore to fae level at a sound which 15:33:18  is not discressing to from does cause term to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 doa't 15:33:26  see this as being important in torios of what 15:33:32  kappens in terms of Bell & Howell's smaller units 15:33:38  in smaller spaces. 15:33:42	7 8 9 10 12 13 14 15 16	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, from 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. Thuve not. Since we're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibel levels to the 15:38:42  Bell & Howell equipment, again 1 can't see Soul 15:38:50
9 10 11 12 13 14 15 26 17	force, foundation, but go ahead. 15:33:16  BY THE WIENESS: 15:33:18  A. Exposore to face level at a sound which 15:33:18  is not discressing to them does cause taem to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 doa't 15:33:26  see this as being important in terms of what 15:33:32  kappens in terms of Bell & Howell's smaller units 15:33:38  in smaller spaces. 15:33:42  BY MR. KOPEL: 15:33:44	7 8 9 10 11 12 13 14 15 16 17	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, form 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. I have not. Since we're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibel levels to the 15:38:42  Boll & Howell equipment, again I can't see Soil 15:38:50  this does anything to address Bell & Howell's 15:39:00
9 10 11 12 13 14 15 26 17 18 19	forms foundation, but go ahead. 15:33:16  BY THE WIENESS: 15:33:18  A. Exposore to the level at a sound which 15:33:18  is not discressing to them does cause teem to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 don't 15:33:26  see this as being important in terms of what 15:33:32  kappens in terms of Bell & Howell's smaller units 15:33:38  in smaller spaces. 15:33:42  BY MR. KOPEL: 15:33:44	7 8 9 10 12 13 14 15 16 17 28	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, form 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. I have not. Since wo're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibel levels to the 15:38:42  Boll & Howell equipment, again I can't see Soil 15:38:50  this does anything to address Bell & Howell's 15:39:00  uitrasound. 15:39:04
9 10 11 12 13 14 15 16 17 18 19 20	form, foundation, but go ahead.  BY THE WITNESS:  A. Exposore to the level at a sound which 15:33:18  bit and discressing to them does cause them to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 don't 15:33:26  see this as being important in terms of what 15:33:32  kappens in terms of Bell & Howell's smaller mits 15:33:38  in smaller spaces.  J5:33:42  BY MR. KOPEL:  15:33:44  Q. Are you familiar with this journal?  J5:33:46  A. Journal of Stored Product Resources? 1 15:33:56	7 8 9 10 12 13 14 15 16 17 28 19	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, four 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. I have not. Since wo're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibel levels to the 15:38:42  Boll & Howell equipment, again I can't see Soil 15:38:50  this does anything to address Bell & Howell's 15:39:00  uitrasound. 15:39:04  They're more concerted with causing 15:39:28
9 10 11 12 13 14 15 26 17 18 19 20 21	form, foundation, but go ahead.  BY THE WIENESS:  A. Exposore to fae level at a sound which   15:33:18  A. Exposore to fae level at a sound which   15:33:20  realize that it's not harmful to them over time and   15:33:20  realize that it's not harmful to them over time and   15:33:24  cause — you know, promotes labituation. 1 doa't   15:33:26  see this as being important in torios of what   15:33:32  kappens in terms of Bell & Howell's smaller units   15:33:38  in smaller spaces.  BY MR. KOPEL:  Q. Are you familier with this journal?  A. Journal of Stored Product Resources? 1   15:33:56  would not be. Juncoo it's such a specific area   (5:34:00)	7 8 9 10 12 13 14 15 16 17 28 19 20	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, four 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. Thive not. Since we're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibel levels to the 15:38:42  Boll & Howell equipment, again I can't see four 15:38:50  this does anything to address Bell & Howell's 15:39:00  ultrasound. 15:39:04  They're more concerned with causing 15:39:28  lethal and non-lethal scizures, 15:39:30  Q. Okay. 15:40:04
9 10 11 12 13 14 15 26 17 18 19 20 21	force, foundation, but go ahead. 15:33:16  BY THE WITNESS: 15:33:18  A. Exposore to face level at a sound which 15:33:18  is not discressing to them does cause taem to 15:33:20  realize that it's not harmful to them over time and 15:33:20  realize that it's not harmful to them over time and 15:33:20  see this as being important in force of what 15:33:32  kappens in terms of Bell & Howell's smaller units 15:33:38  in smaller spaces. 15:33:42  BY MR. KOPEL: 15:33:44  Q. Are you familiar with this journal? 15:33:44  A. Journal of Stored Product Resources? 1 15:33:56  would not be. I treso it's such a specific area (5:34:00)  that I mean the read 45 years worth of formal of 15:34:04	7 8 9 10 12 13 14 15 16 17 28 19 20 21	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, four 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. Thuve not. Since wo're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibal levels to the 15:38:42  Bell & Howell equipment, again I can't see Soil 15:38:50  this does anything to address Bell & Howell's 15:39:00  ultrasound. 15:39:04  They're more concerned with causing 15:39:28  lethal and non-lethal sciences, 15:39:30  Q. Okay. 15:40:04  MR. OSTOSIC: If we're at a good point, do you 15:40:08
9 10 11 12 13 14 15 16 17 18 19 20 21 22	form, foundation, but go ahead. 15:33:16  BY THE WIENESS: 15:33:18  A. Exposore to the level at a sound which 15:33:18  is not discressing to them does cause them to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 don't 15:33:26  see this as being important in terrors of what 15:33:32  kappens in terms of Bell & Howell's smaller units 15:33:38  in smaller spaces. 15:33:42  BY MR. KOPEL: 15:33:44  Q. Are you familiar with this journal? 15:33:44  A. Journal of Stored Product Resources? 1 15:33:56  would not be. J treso it's such a specific area (5:34:00)  that I mean the read 45 years worth of Journal of 15:34:04  Wildlife Management, Wildlife Management Bulletins 15:34:08	7 8 9 10 11 12 13 14 15 16 17 28 19 20 21 22	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, from 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. Thuve not. Since we're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibel levels to the 15:38:42  Bell & Howell equipment, again I can't see foot 15:38:50  this does anything to address Bell & Howell's 15:39:00  ultrasound. 15:39:04  They're more concerned with causing 15:39:28  lethal and non-lethal sciences, 15:39:30  Q. Okay. 15:40:04  MR. OSTOSIC: If we're at a good point, do you 15:40:08  want to just take a two-minute batimorn break? 15:40:12
9 10 11 12 13 14 15 26 17 18 19 20 21 22 23	forms foundation, but go ahead. 15:33:16  BY THE WIENESS: 15:33:18  A. Exposore to the level at a sound which 15:33:18  is not discressing to them does cause them to 15:33:20  realize that it's not harmful to them over time and 15:33:24  cause — you know, promotes habituation. 1 don't 15:33:26  see this as being important in terms of what 15:33:32  happens in terms of Bell & Howell's smaller units 15:33:32  BY MR. KOPEL: 15:33:42  BY MR. KOPEL: 15:33:44  Q. Are you familiar with this journal? 15:33:44  A. Journal of Stored Product Resources? 1 15:33:56  would not be. J these it's such a specific area (5:34:00)  that I mean the read 45 years worth of Journal of 15:34:04  Wildlife Management, Wildlife Management Bulletins 15:34:08  and other things. I have not heard of this. 15:34:12	7 8 9 10 12 13 14 15 16 17 28 19 20 21 22 23	sound. 15:37:56  Q. So how much cycles per second is 15:38:08  ultrasound? 15:38:10  A. Above 20,000, four 20,000 to 45,000 15:38:12  would be. 19 is audible. 15:38:16  Q. Have you had a chance to read this over? 15:38:24  A. Thuve not. Since wo're not seeing 15:38:28  anything going in the sound ranges of the 15:38:38  Bell & Howell equipment at decibal levels to the 15:38:42  Bell & Howell equipment, again I can't see foot 15:38:50  this does anything to address Bell & Howell's 15:39:00  ultrasound. 15:39:04  They're more concerned with causing 15:39:28  lethal and non-lethal scirnares, 15:39:30  Q. Okay. 15:40:04  MR. OSTORIC: If we're at a goord point, do you 15:40:08  want to just take a two-minute battmorn break? 15:40:12

1		_	
1	MR. OSTOJIC: We've gone an iron and a half = 15,40(14	ı	A. Pones's 15:53:52
2	since the one break. 15:40:16	2	Q. Okay. 15:53:52
3	BY MR. KOPEL: 15:40:16	3	A. The Modesto apartiquids. 15:53:54
4	Q. One fast question. 15:40:16	4	Q. Okay. Any others? \\\\(5:53:54\)
5	A. Certainiy. 15:40:16	5	A. I don't know of my others that were done 15:53:56
6	Q. I assume you've seen the Koehler, et al. 15:40:18	6	specifically with the Bell & Howell repeliers. 15:53(58)
7	article? 15:40:20	7	Wait, there was Quanti which was a six-room test 15.54(02)
8	A. Un-limb. 15(40)20	8	which is a catastropide mistake it design. 15:54:06
ļ ņ	Q. Okay. 15:40:22	9	Q. Okay, Did you see one Quanti test, or 35:54:10
10	A. And that, us I said, is a recitation of 15:40:22	10	did you see two? 15:54:14
11	other people's opinions without nh, wait, let me 15:40:26	11	A. Two, instant and roles. The mixing of 15:54:14
12	double-check that. 15:40:30	12	things in a six-most chambers, fac very small 15:54:18
13	Yeah, quoting the Roehler study, and 15:40:32	13	number of unsmals used, it just – it didn't have = 15:54:26
14	they were doing they were writing based on a 15:40:40	14	adequate evidence to determine anything. 15:54:28
15	noview of the published studies that we've already 15:40:42	15	Q. So would you say, based on the factors 15.54 34
16	discussed, so all they're doing is saying, well, it 15:40:44	16	you identified, that the results of those tests are: 15:54:38
17	didn't work in this 1960 or this 1970 or this 1980 - 15;40;48	17	unreJialde? 15:54:42
18	study, and so our opinion is it still doesn't work, 15.40:52.	Jā.	MR, OSTOJIC: Object to form, foundation. Arc. 15:54:44
19	we haven't tested it ourselves. That's what a 15:40:56	19	we referring to Quantity 15:54:46
20	review study does. 15:40:58	20	BY MR. KOPEL: 15:54:50
21	MR, KOPEL: Okay. Let's take a break, please. 15:41:02	21	Q. Yes, thank you, the two Qmana reports. 15:54:50
22	THE VEDEOGRAPHER: We are off the record at 15:41:06	22	A. The two Qmann reports and I would floor. 15:54:52
23	3:34 p.m 15:41:06	23	in the 2016 Chinese test which throw double mirables   15:54:56
24		24	of rats in the same housing and left us testing the 15:55:00
	Page 166		Page 186
1	(WEIEREUPON, a short break was had.) 15:52:28	1	effects of overcrowding of rats rather than the 15:55:02
2	THE VEDEOGRAPHER: We're back on record at 15:52:28	2	effects of the repellers. 15 55:06
3	3:46 р.ш. 15:52:32	3	You have to go back to Californ, H. 15:55:08
6	BY MR, KOPFJ 15:52:32	4	Calhoun's 1965 classic paper on overcrowding of 15.55(12)
5	Q. Di, Whitford, I know we just used a 15:52:36	. 5	rals. You find that and you find that any time you 15:55()4
6	-	6	exceed one rat per three square feet, you'll have 15:55:18
7	those to the side of that's helpful. 35:52:42	7	from killing each other, you'll have maybem. The 15:55:20
8	Dr. Whitford, you ented in your report 15:53:04	8	repellers would not be what you're measuring when 15:55:26
l y	three tests that Bell & Howell conducted on the 15:53:06	:	you pur 20 rats into 32 square feet, 15:55:28
10	ultrasonic pest repetlers as it pertained to 15:53:12	10	Q. And by the way, thank you for citing 15:55:32
1	rodents, one of them in 2011, one of them in 2014, 15:53:16	11	Calhoun because I learned a lot from reading that 15:55:34
12	and one of them to 2016, correct? 15:53:20	12	article. So with regards to the two Qmann reports 15(55)36
13	A. Fatertek did the studies for 15:53:22	13	
14	Bell & Howell. 15.53(26)	14	Interek, I believe? 15:55:50
15	Q. Was it just Intertek? 15:59:30	15	A. Yeah, those were badly designed. 15:55:52
16	A. And Qmain? (5:53:32	16	Q. And as a result, would you say that the 15:55:54
17	MR, OSTOJIC: It'you need to reference your 15:53:34	37	
18	report, but answer his question. I don't think 15:53:34	:8	A. Absolutely. J5(55);58
19		19	Q. Now, I think you said one rat per three: 15:56:10
20	BY MR. KOPEL: 15:53:36	20	square feet, is that what you said? 15.56:16
2.5	Q. Don't worry, I'll give you the reports. 25:53:38	21	A. Max. 15:56:18
22	I'm not feering you on fac hames, 15:53:40	22	Q. That's the maximum? 15:56:18
23	Have you looked at any other tests of 15;53;46	23	The maximum density before you have 15:56:18
24	the Bell & Howell devices saids from those three?   15:53.48	24	problems. 15:56:22
	Page : 87		Page 189

1	Q. Buffore there is a problem. And what 15:56:22	1	the repeller was turned off, that there was even 15:59:24
2	about mice? 15:56:26	2	distribution 15:59:30
3	A. I don't have the actual figure for that, 15:56:26	3	A. Right. 15:59:32
4	hat the same pattern holds, they're just not as 15:56:30	4	Q in those two lests, and that that 15:59:34
5	victous, they're not as likely to kill each other. 15:56:34	5	indicated that the test was a floir test, is that 15:59.36
. 6	But still there is too much interaction, they're 15:56:38	6	accusate? 15:59:38
7	too crowded, they're constantly brunping into each = 15:56:42	7	A. That's the basic concept of a control 15:59:38
8	other. That brings on aggression, stress. 15:56:46	8	signation, something that we didn't have with 15:59:42
. 9	The first tests, the 2011 and 2014 15:56:50	9	Potter. You have to put from in, and if they don't 15:59:46
10	tests, the ten rats and ten mice had enough space 15:56:54	10	equalize, you have to assume that some factor that 15:59:50
ĺш	that you didn't see signs of any adverse aportistic 15:56:58	13	you're not recognizing is causing them to \$15:59:52
12	behaviors between them. 15:57:02	12	concentrate in one place, not the other. 15:59:54
1.3	Q. Okzy. Because Factually wanted to ask = 15:57:08	13	But since all the animals were 15:59:58
14	you how you know the 2016 was too crowded but the 15:57:10	14	introduced at once, allowed to soun fively through 16:00:00
1	poner two weren't, and perhaps 5) would be helpfid. 15:57:14	35	the pretest so the sensit was equal throughout, 16:00:02
1	if I showed you the 2016 report. 15:57:18	16	droppings were equal throughout, everything about 16:00:06
17	And while I look for it, do you mind 15:57:22	17	
18	explaining how do you know that 2006 was too many 15:57:24	18	the ultrasound, that's a valid test. 36:00:10
19	bur 2011 and 2014 was not? 15:57:26	19	O. Okay. So when the equal numbers of rats 16:00:14
20	A. Because 2011 and 2014 the design test 15:57:30	20	
. 21	had the same units, the same Plexielas units that 15:57:36	21	A. Prelest. (6:00:24
22	were used in the 2016, but they had half the number   15:57:42	22	Q. That actually wasn't the word I was 16:00:24
23	of nuice and ruls of 2016. In those cases, the 15:57:46	23	looking for, \$6:00.26
	prefest showed a uniform distribution of rate or 15:57:52	24	MR, OSTOJIC: Let him ask the question. Just 16:00:26
	Page 190		Page 192
1	mice in both chambers before you started the sound = 35:57:56	lι	will, don't anticipate. 16:00:30
2	repeller. The chambers were exactly identical to 15:58:00	2	BY MR. KOPEL: 16:00:30
ز	one another, there was no disparity of where there 15:58:02	: 3	Q. No, that's fine. So the fact that there 16:00:30
4	was food and where there wasn't, no disparity of 15:58:06	4	were equal numbers of mice and rats on the repeller   16:00:34
٠,	where there was housing, where there wasn't 15:58:08	5	side as there were not the non-repellier side, in 1 (6:00:40)
6	Everything was exactly as it should be to have a 15:58:10	6	absence of the ultrasonic signals, that indicates = 16:00:48
7	fair test where you're testing only what does like - 15 58(14)	7	that the test was fair in your opinion, is that 16:00:54
8	sound of the uttrasound pest repeller do to change   15.58:18	. 8	contact? 16:00:56
: 9	čaings. 15:58:22.	g	A. It indicates that you have valid 16:00:56
20	in both cases when they turned on the 15:58:24	10	controls, the two are exactly alike. It also 16:00 58
11	ultrasound unit, all the rats and all the mice 15:58:26	11	indicates that having the physical body of the 16.01:00
12	moved to the far chamber away from the repeller. 15:58:30	12	repeller in the Jeff hand, the A Chamber, didn't 16:01:06
13	That shows that the repotter was effective at 15:58:36	13	disturb the rars at all. It's only when you turned 16:01:10
14	moving the rats, and they stayed there for a week = 15:56:38	14	ir on. If wasn't a difference of something in the 16:01:14
15	in the first test, so they weren't habituating. 25:58:42	15	physical environment between them. 16:01:16
16	That was a good it was a simplistic test, some 15:58:50	16	In many cases, you would think that if 16:01:22
17	people would say, is didn't have repetition (ill   15;58:52	17	you have a new object in one room and not in the 16:01:24
18		18	other, that enimals would be suspicious of it. 16:01:30
19	extremely elegant tost bocause in tested only the 15:59:00	19	Q.—Of the new object and that would be 16:01(32
20	thing you wanted to find our; what does the sound 15:59:02	20	cause for avoiding it, is that right? 16:01:34
21	of a UPR at that frequency do to mice or rats in a 15:59:06	21	A Right, but the balance among them didn't 16:01:36
22	double-chamber test. It showed officiacy without 15:39:12	22	make any different to them. 16:01:40
77		23	Q. Would you agree with me that if you had 10:01:42
23	question in host years. 15:59:20		
: 24	Q. Now, I think you mentioned that, when 15:59:22		a post repeller that enritted no sound but that the 16:01:44

1	presence of that pest repeller caused a post to be 16:01:52	1	A. Yes, I have. 16:04:30
2	driven out or repelled, then that would be an 16:01:58	2	Q. What is n? 16:04:32
1	offective pest repeller, right, even if it didn't 16:02:04	3	A. It's the 2016 test reports. 16:04:32
1	emit ultrasonic signals? 16:02:06	4	Q. Now, I know that you had stated you're 16:04:36
5	MR. OSTOJIC: Objection to form, foundation, 16:02:08	5	not relying on this report in reaching your 16:04:40
,	incomplete hypothetical. 16:02:10	6	conclusions, so I don't want to delay I don't 16:04:42
,	BY MR, KOPBL: 16:02:10	7	want to spend too much time on here, but I was 16:04:46
3	Q. 1 can rephrase it. 16:02:10	8	hoping you could please turn to the page bearing 16:04:50
9	A. I'm confused on it. If you have an 16:02:12	9	the Bates number Feuerstein 90. Do you know what 16:04:54
	ultrasound pest repeller in there and it's not 16:02:12	10	Bares number is? That's the marking on the bottom 16:04:58
	turned on, hopefully in this test that you're 16:02:18	11	right corner of each page. 16:05:00
2	setting up, it shouldn't cause any avoidance of it. 16:02:22	12	A. Okuy, I'm on that page. 16:05:02
3	When you turn it on, if they move away 16:02:28	13	Q. Do you see a chart daily testing record? 16:05:04
	from you, that shows it's effective. Having it 16:02:30	14	A. Yes. 16:05:08
	there and having them move away would make you 16:02:32	15	Q. And do you see the second to hottom row 16:05:08
	question. Having it there without on would make 16:02:34		is rats/mice who are suffering physical injury? 16:05:10
	you question whether it was the sound or the 16:02:40	17	A. Idn. 16:05:18
	presence of that, 16.02:42	18	Q. And do you see it says no all across the 16:05:22
		19	chart? 16:05:26
9	Q. 1 think I can clarify. Do you agree 16:02:42 that there would be a difference in terms of if 16:02:44	20	A. I do. 16:05:26
)		21	O. Would that surprise you given the number 16:05:30
1		22	of rats and mice that were being used in this 16:05:32.
		13.5	THE PROPERTY OF THE PROPERTY O
	measuring the efficacy of the repeller all 16:02:58	23	A. As long as the rats or mice can get 16:05:38
4	together? 16:03:00 Page 194	24	A. As long as the rats of mice can get 10.05.58 Page 19
1	MR, OSTOJIC: Object to form, foundation. 16:03:00	1	enough distance between themselves, they wouldn't 16:05:42
2	incomplete hypothetical, but go ahead. 16:03:02	2	necessarily do physical harm to each other. But 16:05:48
3	BY THE WITNESS: 16.03;08	3	the fact that they dispersed back into the area 16:05:50.
4	A. Under those circumstances, you'd have to 16:03:08	4	where the repeller was in direct contradiction to 16:05:56
	use a repeller of varying frequencies to find out 16:03:10	5	what the 2011 and 2014 tests showed means that 16:06:00
6	if they're going to get a response. If it's on and 16:03:18	6	there was enough population pressure to interfere 16:06:04
7	it's not ultrusound, it may have a different 16:03:22	7	with the valid conclusions from this study. The 16:06:06
93	effect, or am I not understanding your question as 16:03:24	R	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
	yet? 16:03:28	9	
		10	**************************************
1	BY MR. KOPEL: 16:03:30  O. I think not. Maybe I'll give it one 16:03:30	11	conclusion that there were too many pests used 16:06:18
100	A Tanne nor saske in Base it one tomoring	1 33	
	mare terr plant 16.03.23	1.12	there's you be interested that there work - there would
2	more try, okay. 16.03.32	12	ups parauls of the nests going into the smaller 16:06:22
2 3	I'll come back to it. We'll see if we 16:03:46	13	
2 3 4	PII come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48	13 14	side, is that correct? 16:06:32
2 3 4 5	PII come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52	13 14 15	side, is that correct? 16:06:32 A. Yes: 16:06:32
2 3 4 5 6	PII come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58	13 14 15 16	side, is that correct? 16:06:32  A. Yes: 16:06:32  Q. Is there any other basis for that 16:06:32
2 3 4 5 6 7	Pil come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58 (WHEREUPON, a certain document was 16:03:58	13 14 15 16 17	side, is that correct? 16:06:32  A. Yes. 16:06:32  Q. Is there any other basis for that 16:06:32 conclusion? 16:06:34
2 3 4 5 6 7	Pil come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58 (WHEREUPON, a certain document was 16:03:58 marked Whitford Deposition Exhibit	13 14 15 16 17 18	side, is that correct? 16:06:32  A. Yes. 16:06:32  Q. Is there any other basis for that 16:06:32  conclusion? 16:06:34  A. Just the knowledge of the impact of 16:06:36
2 3 4 5 6 7 8	Pil come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58 (WHEREUPON, a certain document was 16:03:58 marked Whitford Deposition Exhibit No. 14, for identification, as of	13 14 15 16 17 18	side, is that correct? 16:06:32  A. Yes. 16:06:32  Q. Is there any other basis for that 16:06:32  conclusion? 16:06:34  A. Just the knowledge of the impact of 16:06:36  overcrowding in terms of physiological responses, 16:06:38
2 3 4 5 6 7 8 9	Pil come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58 (WHEREUPON, a certain document was 16:03:58 marked Whitford Deposition Exhibit No. 14, for identification, as of 01/12/2018.)	13 14 15 16 17 18 19 20	side, is that correct?  A. Yes. 16:06:32  Q. Is there any other basis for that 16:06:32  conclusion? 16:06:34  A. Just the knowledge of the impact of 16:06:36  overcrowding in terms of physiological responses, 16:06:38  stress activities. There would have been more 16:06:42
2 3 4 5 6 7 8 19 20	Pil come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58 (WHEREUPON, a certain document was 16:03:58 marked Whitford Deposition Exhibit No. 14, for identification, as of 01/12/2018.) BY MR. KOPBL:	13 14 15 16 17 18 19 20 21	side, is that correct?  A. Yes. 16:06:32  Q. Is there any other basis for that 16:06:32  conclusion? 16:06:34  A. Just the knowledge of the impact of 16:06:36  overcrowding in terms of physiological responses, 16:06:38  stress activities. There would have been more 16:06:42  interaction between the animals, more 16:06:46
12 13 14 15 16 17 18 19 20	Pil come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58 (WHEREUPON, a certain document was 16:03:58 marked Whitford Deposition Exhibit No. 14, for identification, as of 01/12/2018.)	13 14 15 16 17 18 19 20	side, is that correct?  A. Yes. 16:06:32  Q. Is there any other basis for that 16:06:32  conclusion? 16:06:34  A. Just the knowledge of the impact of 16:06:36  overcrowding in terms of physiological responses, 16:06:38  stress activities. There would have been more 16:06:42  interaction between the animals, more 16:06:46  just - not necessarily doing bedily hurm, but 16:06:48
12 13 14 15	Pil come back to it. We'll see if we 16:03:46 can get back to it later. 16:03:48 MR. KOPEL: Okay, we'll mark this test as 16:03:52 Exhibit 14. 16:03:58 (WHEREUPON, a certain document was 16:03:58 marked Whitford Deposition Exhibit No. 14, for identification, as of 01/12/2018.) BY MR. KOPBL:	13 14 15 16 17 18 19 20 21 22 23	side, is that correct?  A. Yes. 16:06:32  Q. Is there any other basis for that 16:06:32  conclusion? 16:06:34  A. Just the knowledge of the impact of 16:06:36  overcrowding in terms of physiological responses, 16:06:38  stress activities. There would have been more 16:06:42  interaction between the animals, more 16:06:46  just not necessarily doing bedily hurm, but 16:06:48

1		
1	a crowd. 16:06:58	I the bottom here it's been reviewed by Leo Lin and 16:10:44
2	Q. If they were nipping, wouldn't you see 16:07:00	2 Sam Lin? 16:10:48
. 3	evidence of physics! injury? 16:07:02	3 A. Yes, 16:10:48
4	A. They don't always draw blood. A lot of 16:07:02	4 Q. Okay. Do you know who either of them 16:10:48
5	it is just saying get away from me. And the least 16:07:06	5 ure? 16:10:50
6	dominant mice and ruls are going to go hack to the $-56.07(12)$	6 A. 1 de not. 16:10:50
7	side where they're not being pushed by the dominant $\langle 16.07; 16 \rangle$	<ol> <li>Q. Do you know what their qualifications 16:10:52</li> </ol>
N	ones. 16:07:16	8 are? 16(10)54
"	Q. The going to band the witness a document 16:07:54	9 A. I do not. 16:10:54
10	which was previously marked as Exhibit 13 in this 16:07:56	10 Q. Does that matter? 16:10:56
11	case. Now, Exhibit 13 has many tests in it, and 16:08:00	11 A. I can't change what their qualifications   16:11:02
12	I'm hoping, Dr. Whirford, that you can please flip 16:08:16	12 arc. All I can do is guess that they had some 16:11:06
J3	to the portion which contains the Intercel test 16:08:20	13 experience in designing a test because the nature 16:11:10
14	dated July 7th of 2014. 16;08.24	14 of the test was a valid halance test, but I don't 16:11:14
1.5	A. Do we have a page number for that? 16.08/54	35 know their experience. 16:13:18
16	MR. WEISS: It looks like 43. Do you want 66:09:08	16 Q. Okuy, Is a important for the 16:31:22
17	this copy? 16:09:10	17 individuals conducting the test to be qualified? 16:11:26
18	MR. KOPRI Yeah, I'm sorry, I've got n in a = 16:00:10	18 A. I would think so. 16:11:30
19	book. Thank you, Mike. Was 9 page 43? 16:09:14	19 Q. Are you familiar with Intertek? 16(11:32)
20	MR. WEISS: 1 think it's 43. 16:09:16	20 A. Laminor, 16:11:34
21	BY MR. KOPEL: 16:09:16	21 Q. Did you look up which style of 16:11:38
22	Q. Mike was correct, page 43, so it's Bares 16:09:18	22 Bell & Howell altrasonic rest repeiler was used for 16:11:42
23	muber BIIII, LLC 43. 16:09:20	23 this lest? 16:11:48
24	A. Okay, 16:09:24	24 A. 10's there on the page. It's a fairly 16:11:50
	Page 198	
_		
1 .		
Ţ	Q. And have you seen this test hefore? 16:09:32	L standard one. 16:11:54
λ.	Λ. Yes, I have. 16:09:36	2 Q. Okay. So did you see if this one has 16.11;56
) 1	<ul> <li>Λ. Yes, I have. 16:09:36</li> <li>Q. And this is the 2014 test that you 16:09:38</li> </ul>	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:11:58
λ 1 4	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40	2 Q. Okay. So did you see if this one has 16.11;56
) 1	<ul> <li>Λ. Yes, I have. 16:09:36</li> <li>Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40</li> <li>Λ. This one is the spiders, reaches and 16:09:42</li> </ul>	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:11:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06
2 3 4 5 6	<ul> <li>Λ. Yes, I have. 16:09:36</li> <li>Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40</li> <li>Λ. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing. 16:09:46</li> </ul>	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02
2 3 4 5 6 7	<ul> <li>Λ. Yes, I have. 16:09:36</li> <li>Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40</li> <li>Λ. This one is the spiders, reaches and 16:09:42</li> </ul>	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:11:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06
2 3 4 5 6 7 8	<ul> <li>Λ. Yes, I have. 16:09:36</li> <li>Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40</li> <li>Λ. This one is the spiders, reaches and 16:09:42 and is what I'm seeing. 16:09:46</li> <li>Q. Then it's the wrong page. 16:09:48</li> <li>Okay, I think it's on page 55. Picase 16:10:10</li> </ul>	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:11:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't results for spiders or mate in my farm hoose, 16:12:14
2 4 5 6 7 8	Λ. Yes, Thave.       16:09:36         Q. And this is the 2014 test that you       16:09:40         Λ. This one is the spiders, reaches and       16:09:42         ants is what I'm socing.       16:09:46         Q. Then it's the wrong page.       16:09:48	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12
2 3 4 5 6 7 8 9	<ul> <li>Λ. Yes, I have. 16:09:36</li> <li>Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40</li> <li>Λ. This one is the spiders, reaches and 16:09:42 and is what I'm seeing. 16:09:46</li> <li>Q. Then it's the wrong page. 16:09:48</li> <li>Okay, I think it's on page 55. Picase 16:10:10</li> </ul>	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:11:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't results for spiders or mate in my farm hoose, 16:12:14
2 4 5 6 7 8	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing, 16:09:46  Q. Then it's the wrong page, 16:09:48  Okay, I think it's on page 55. Picase 16:10:10 izy that one instead. 16:30:14	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whother it has sweeping or 16:12:02 5 broad spectrum. 16:12:06 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't reatter for spiders or mate in my farm house, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16
2 3 4 5 6 7 8 9	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing, 16:09:46  Q. Then it's the wrong page, 16:09:48  Okay, I think it's on page 55. Pivase 16:10:10 izy that one instead. 16:10:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't reatter for spiders or mate in my farm house. 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 (0 frequency is right, 56:12:20
2 3 4 5 6 7 8 9 J0	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing. 16:09:46  Q. Then it's the wrong page. 16:09:48  — Okay, I think it's on page 55. Pivase 16:10:10 izy that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: Thut's fine. I was going to make 16:10:16	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't reatter for spiders or mate in my farm boose, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 36:12:20 11 Q. So regardless of whether there was 16:12:20
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2 3 4 5 6 7 8 9 10 11 12	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm socing, 16:09:46  Q. Then it's the wrong page, 16:09:48  Okay, I think it's on page 55. Picase 16:10:10 iry that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making now 16:10:20 exhibits of the same Sting. 16:10:22	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roatter for spiders or mate in my farm house, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or staric, you feel 16:12:22 13 contfortable drawing conclusions based on this model 16:12:26
2 3 4 5 6 7 8 9 10 51 12 13	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm sociog. 16:09:46  Q. Then it's the wrong page. 16:09:48  — Okay, I think it's on page 55. Picase 16:10:10 ity that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making new 16:10:20 exhibits of the same thing. 16:10:24	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roather for spiders or mate in my farm boose. 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 (0 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or starie, you feel 16:12:22 13 constantable drawing conclusions based on this model 16:12:26 14 to all (see other Bell & Howell models, is that 16:12:36)
2 3 4 5 6 7 8 9 9 10 11 12 13 14 15	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ands is what I'm seeing. 16:09:46  Q. Then it's the wrong page. 16:09:48  Okay, I think it's on page 55. Pivase 16:10:10 izy that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: Thu's fine. I was going to make 16:10:16 new exhibits, but I figured why keep anaking new 16:10:20 exhibits of the same thing. 16:10:24  A. Okay. 16:10:24	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't reader for spiders or mate in my farm house, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or staric, you feel 16:12:22 13 continuate drawing conclusions based on this model 16:12:26 14 to all (see other Bell & Howell models, is that 16:12:30 15 correct? 16:12:32
2 3 4 5 6 7 8 9 9 10 13 14 15 16	A. Yes, Thave. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing. 16:09:46  Q. Then it's the wrong page. 16:09:48  Okay, I think it's on page 55. Please 16:10:10 izy that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making now 16:10:20 exhibits of the same shing. 16:10:24  A. Okay. 16:10:24  BY THE WITNESS 16:10:24  BY MR. KOPEL: 16:10:26	2 Q. Okay. So did you see if this one has 16.11;56 3 aweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't reatter for spiders or mate in my farm house, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or starie, you feel 16:12:22 13 contortable drawing conclusions based on this model 16:12:26 14 to all the other Bell & Howell models, is that 16:12:30 15 correct? 16:12:22
2 3 4 4 5 6 6 7 8 9 9 10 13 14 15 16 17	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm sociog. 16:09:46  Q. Then it's the wrong page. 16:09:48  Okay, I think it's on page 55. Pieuse 16:10:10 izy that one instead. 16:10:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making now 16:10:20 exhibits of the same fairig. 16:10:24  A. Okay. 16:10:24  BY MR. KOPBL: 16:10:26  Q. Are you at page 55? 16:10:26	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:32:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:32:12 8 dida't roatter for spiders or mate in my farm house, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or staric, you feel 16:12:22 13 contfortable drawing conclusions based on this model 16:12:26 14 to all the other Bott & Howell models, is that 16:12:30 15 correct? 16:12:32 16 A. Yes. As long as the frequencies are the 16:12:34
2 3 4 5 6 7 8 9 9 10 13 14 15 16 17 18	A. Yes, Thave. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm sociog. 16:09:46  Q. Then it's the wrong page. 16:09:48  — Okay, I think it's on page 55. Picase 16:10:10 ity that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making new 16:10:20 exhibits of the same Sing. 16:10:24  A. Okay. 16:10:24  BY MR. KOPEL: 16:10:26  Q. Are you at page 55? 16:10:26  A. Tam. 16:10:26	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roather for spiders or mate in my farm boose. 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 (0 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or staric, you feel 16:12:22 13 confortable drawing conclusions based on this model 16:12:26 14 to all (see other Bell & Howell models, is that 16:12:30 15 correct? 16:12:32 16 A. Yes. As long as the frequencies are the 16:12:22 17 same sod the decibel levels are the same, I see no 16:12:34 18 difference, and that was pretty much Dr. Mankin's 16:12:40
2 3 4 5 6 7 8 9 9 10 11 13 14 15 16 17 18 19 19 19 19 19 19 19 19 19 19 19 19 19	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing. 16:09:46  Q. Then it's the wrong page. 16:09:48  Okay, I think it's on page 55. Picase 16:10:10 izy that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making new 16:10:20 exhibits of the same fairig. 16:10:24  BY THE WITNESS 16:10:24  BY MR. KOPEL: 16:10:26  Q. Are you at page 55? 16:10:26  A. Tam. 16:10:26  Q. Okay, Is this the report you were 16:10:28	2 Q. Okay. So did you see if this one has 16.11;56 3 aweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roatter for spiders or made in my farm house, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or starie, you feel 16:12:22 13 continuable drawing conclusions based on this model 16:12:26 14 to all the other Bell & Howell models, is that 16:12:30 15 correct? 16:12:32 16 A. Yes. As long as the frequencies are the 16:12:34 18 difference, and that was pretty much Dr. Mankin's 16:12:40 19 conclusion when he fasted the various ones. 16:12:44
2 3 4 5 6 7 8 9 9 10 13 14 15 16 17 18 19 20	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing, 16:09:46  Q. Then it's the wrong page, 16:09:48  Okay, I think it's on page 55. Pieuse 16:10:10 izy that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. WEISS: Sorry about that. 16:10:14  MR. WOPEL: Thut's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making new 16:10:20 exhibits of the same fairg. 16:10:22 BY THE WITNESS 16:10:24  A. Okay. 16:10:24  BY MR. KOPEL: 16:10:26  Q. Are you at page 55? 16:10:26  A. I am. 16:10:26  Q. Okay. Is this the report you were 16:10:30  Increasing? Is this the test you were referencing 16:10:30	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whother it has sweeping or 16:12:02 5 broad spectrum. 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roather for spiders or mate in my farm boose, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or staric, you feel 16:12:22 13 confortable drawing conclusions based on this model 16:12:26 14 to all the other Bell & Howell models, is that 16:12:30 15 correct? 16:12:32 16 A. Yes. As long as the frequencies are the 16:12:32 17 same and the decibel levels are the same, I see no 16:12:34 18 difference, and that was pretty much Dr. Mankin's 16:12:46 19 conclusion when he fasted the various ones. 16:12:44 20 Q. What species of mice was used in this 16:12:46 21 test? 16:12:50
2 3 4 5 6 7 8 9 9 10 10 11 15 16 17 18 19 20 21 22	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm socing, 16:09:46  Q. Then it's the wrong page. 16:09:48  — Okay, I think it's on page 55. Press 16:10:10 izy that one instead. 16:10:14  MR. WEISS: Sorry about that. 16:10:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: That's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making now 16:10:20 exhibits of the same fairing. 16:10:24  BY THE WITNESS 16:10:24  A. Okay. 16:10:24  BY MR. KOPEL: 16:10:26  Q. Are you at page 55? 16:10:26  A. I am. 16:10:26  Q. Okay. Is this the report you were 16:10:28 referencing? Is this the test you were referencing 16:10:30 in your report? 16:10:32	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roather for spiders or mate in my farm house. 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 (0 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or staric, you feel 16:12:22 13 contfortable drawing conclusions based on this model 16:12:26 14 to all the other Bell & Howell models, is that 16:12:30 15 current? 16:12:32 16 A. Yes. As long as the frequencies are the 16:12:32 17 same and the decibel levels are the same, I see no 16:12:34 18 difference, and that was pretty much Dr. Mankin's 16:12:40 19 conclusion when he fested the various ones. 16:12:46 20 Q. What species of mice was used in this 16:12:46 21 test? 16:12:50 22 A. They weren't stared. The justs were 16:12:50
2 3 4 5 6 7 8 9 9 10 10 11 15 16 17 18 19 20 21 22	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing. 16:09:46  Q. Then it's the wrong page. 16:09:48  — Okay, I think it's on page 55. Picase 16:10:10 izy that one instead. 16:30:14  — MR. WEISS: Sorry about that. 16:10:14  — MR. KOPEL: Thut's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making new 16:10:20 exhibits of the same thing. 16:10:22  BY THE WITNESS 16:10:24  BY MR. KOPEL: 16:10:26  A. Okay. 16:10:26  Q. Are you at page 55? (6:10:26  A. I am. 16:10:26  Q. Okay. Is this the report you were 16:10:32  A. One of the two, yes. There is 2010 and 16:10:32  A. One of the two, yes. There is 2010 and 16:10:32  2014 tests. 16:10:36	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roatter for spiders or mate in my farm house, 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 10 frequency is right, 56:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or starie, you feel 16:12:22 13 continuable drawing conclusions based on this model 16:12:26 14 to all the other Bell & Howell models, is that 16:12:30 15 correct? 16:12:32 16 A. Yes. As long as the frequencies are the 16:12:22 17 same and the decibel levels are the same, I see no 16:12:34 18 difference, and that was pretty much Dr. Mankin's 16:12:40 19 conclusion when he fested the various ones. 16:12:46 20 Q. What species of mice was used in this 16:12:46 21 test? 16:12:50 22 A. They weren't stared. The juts were 16:12:50 23 black rais. The pictures show a monse that could 16:12:54
22 3 4 4 5 6 7 8 9 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes, I have. 16:09:36  Q. And this is the 2014 test that you 16:09:38 referenced in your report? 16:09:40  A. This one is the spiders, reaches and 16:09:42 ants is what I'm seeing. 16:09:46  Q. Then it's the wrong page. 16:09:48  — Okay, I think it's on page 55. Picase 16:10:10 ity that one instead. 16:30:14  MR. WEISS: Sorry about that. 16:10:14  MR. KOPEL: Thut's fine. I was going to make 16:10:16 new exhibits, but I figured why keep making new 16:10:20 exhibits of the same thing. 16:10:24  A. Okay. 16:10:24  BY THE WITNESS 16:10:24  BY MR. KOPEL: 16:10:26  Q. Are you at page 55? 16:10:26  A. I am. 16:10:26  Q. Okay. Is this the report you were 16:10:32  A. One of the two, yes. There is 2010 and 16:10:32	2 Q. Okay. So did you see if this one has 16.11;56 3 sweeping frequencies? 16:17:58 4 A. I don't know whether it has sweeping or 16:12:02 5 broad spectrum. 16:12:06 6 Q. Does it matter? 16:12:08 7 A. As we discussed before, apparently it 16:12:12 8 dida't roather for spiders or mate in my farm boose. 16:12:14 9 so it probably doesn't matter in this case if the 16:12:16 (0 frequency is right, 16:12:20 11 Q. So regardless of whether there was 16:12:20 12 sweeping or pulsating or starie, you feel 16:12:22 13 continuable drawing conclusions based on this model 16:12:26 14 to all (ae other Bell & Howell models, is that 16:12:30 15 correct? 16:12:32 16 A. Yes. As long as the frequencies are the 16:12:24 18 difference, and that was pretty much Dr. Mankin's 16:12:34 18 difference, and that was pretty much Dr. Mankin's 16:12:46 19 conclusion when he fested the various ones. 16:12:46 20 Q. What species of mice was used in this 16:12:46 21 test? 16:12:50 22 A. They weren't stared. The rats were 16:12:50 23 black rats. The pictures show a monse that could 16:12:54 24 be Eght gray, or it could have been a white lab 16:13:00

			:
1	ran. Dr. Potter scorns to think it might have been 16:13:02.	- 1	Feneratoire's that they used wild caught black rats, 16:15:58
2	a white tab rat or mouse, but there is no way to 16, 13,06	2	bur t can't swear to that. I haven't read that in 16:16:02
3	judge that from the picture. The light from a 16:13.10	3	three manths. 16:16:04
4	flash would make a gray mouse appear white. 16:13:16	4	Q. Due to the fact that putting wild caught 16.16;10
. 5	Q. Is it relevant to know what species the 16:13:18	5	pests into an acrylic chamber causes them to be in 16:16:18
. 6	posts tosfed wore? 16:13:22	6	an instanciliar environment, could that influence 16:16:24
7	A. Only to a modest extent. I mean the 16:13:24	7	(bei movement? 16:16:26
8	basic structure of mice and the hearing range, the 16:13:30	8	MR, OSTORIC: Object to form. Go ahead. 16:16:30
9	frequencies that they can perceive is pretty 16:13:34	9	BY THE WITNESS: 16:16:32
1	consistent because of their body size, and the 16.13:38	50	A. Their movements were equal between both 16:16:32
I	sounds they produce and can hear and the sounds 16:13:42	11	sides of the chamber. There is nothing else there 16:16:34
12	their offspring produced to connutmicate with them, 16:13:46	12	to influence their movements and you torn the 16:16:38
13	the same holds for rats. Until you get at least a 16:13:48		expeller on, and then they all moved away. You're 16:16:40
14	50 percent variation in body size, you wouldn't 16:13:52		
25	expect to see times of a change in the physiology of 16:13:56		
16	the animals. 10:13:58		BY MR. KOPEL: 16:16:50
17	Q. And is that with the exception of white 16:13:58	17	O. Okay. So would you sures that is it 16:16:50
: 18	(ah mice which we discussed earlier) 16:14:00	IR	• •
19	A. White Jab mice, because of their lone 16,14:02	19	questions that can be asked, the fact that you 16:17:02
20	periods in captivity and inbreeding and so forth, 16:14:08	20	witnessed even distribution when the repeller was 16:17:04
	might have strayed a bit from the sound realms, but 16:14:14	21	off indicated that those questions are invalid, is 16:17:10
21	I don't know anything that says that they have. 16:14:18	22	that it? J6(17.54
l	Pye seen no data to that officet. 10:14:20	23	A. More or less, yes. 16:17:14
23	Q. Do black rats live in the United States? 16:14:24	24	Q. Okay. Can you please turn to the page 16:17:16
24	Page 202	^4	Page 204
1	A. Nu, black rats are Chineso, 16:34:28	ι	with the Bates number 25697 16(17.22
1 2	A. Nu, black rats are Chinese, 16:34:28  Q. Do you shink it would have been more 16:14:34	ι 2	A. 25697 16(17.22 A. 25697
2	Q. Do you think it would have been more 16:14:34	2	A. 25697 16(17.24
2 3	Q. Do you think it would have been more 16:14:34 appropriate for than in rest on a species that's 16:14:34	2	A. 25697 16:17.24 MR. OSTOJIC. Is it in this document? 16:17:28
2 3 4 . 5	Q. Do you shink it would have been more 16:14:34 appropriate for than in rest on a species that's 16:14:34 common in the United States? 16:14:38	2 3 4	A. 25697 16:17:24  MR. OSTOJIC. Is it in this document? 16:17:28  By MR. KOPRL: 16:17:28  Q. Oh, Emisorry, Pm in this document 16:17:32
3 4 5 6	Q. Do you shink it would have been more 16:14:34 appropriate for them in rest on a species that's 16:14:34 examment in the United States? 16:14:38  A. Well, let's see, choose from any of the 16:14:42	2 3 4 5	A. 25697 16:17:24  MR. OSTOJIC. Is it in this document? 16:17:28  By MR. KOPBL: 16:17:28  Q. Ob, Tin sorry, I'm in this document 16:17:32
3 4 5 6	Q. Do you shink it would have been more 16:14:34 appropriate for than in rest on a species that's 16:14:34 examinent in the United States? 16:14:38  A. Well, let's see, choose from any of the 16:14:42 7,000 or 8,000 species rats in the world, is one 16:14:44	2 3 4 5 6 7	A. 25697 16(17.24  MR. OSPOJIC. Is it in this document? 16:17:28  BY MR. KOPBL: 16:17:28  Q. Ob, Emisorry, Pin in this document 16:17:32  was produced several times, and that's why, so 16:17:34
3 4 5 6 7	Q. Do you shink it would have been more 16:14:34 appropriate for than in rest on a species that's 16:14:34 examinant in the United States? 16:14:38  A. Well, let's see, choose from any of the 16:14:42 7,000 or 8,000 species rate in the world, is one 16:14:44 better than the other to choose? 16:14:48	2 3 4 5 6 7	A. 25697 16:17.24  MR. OSTOJIC. Is it in this document? 16:17:28  BY MR. KOPEL: 16:17:28  Q. Ob, I'm sorry, I'm in this document 16:17:32  was produced several times, and that's why, so 16:17:34  that's the source of the confusion. I'm on 16:17:38
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2 3 4 5 6 7 8 9 10 13 14 15 16 17 18 19 20 21 22 23	Q. Do you think it would have been more 16:14:34 appropriate for than in rest on a species that's 16:14:34 common, in the United States? 16:14:38  A. Well, let's see, choose from any of the 16:14:42 7,000 or 8,000 species rats in the world, is one 16:14:44 better than the other to choose? 16:14:48  Q. Well, I asked you the question. 16:14:52  A. They were conducting tests in China. 16:14:58 It's what they had access to at the time. Without 36:15:02 importing rats from somephase else, starting with 16:35:08 Ibe wild black (at seems to make more sense, but 1 16:15:10 doe!! think it makes much difference. 16:15:20  Q. Have you seen any evidence of that? 16:15:22 A. The physiology of rats around the world 16:15:26 is pretty much the same for hearing ranges and so 16:15:28 forth. 16:15:32  Q. Were the pests (but were used, were they 16:15:32 wild, or were they - what's the opposite of wild, 16:15:42  In sorry, captive? 16:15:44  A. Domestic, 16:15:46 Q. On you know if they were wild or 16:15:48 domestic? 16:15:46	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. 2569?  MR. OSTOJIC. Is it in this document?  16:17:28  BY MR. KOPBL:  Q. Oh, I'm sorry, I'm in this document 16:17:32  was produced several times, and that's why, so 16:17:34  that's the source of the confusion. I'm on 16:17:38  puge 59. Are you at page 597 16:17:56  Q. And what does this page sitow? 16:18:02  A. I sam. 16:17:56  Q. And what does this page sitow? 16:18:04  versus Chamber B across the timeframe of the seven 16:18:08  days of the testing and the preliminary and post 16:18:12  testing periods. 16:18:14  Q. Now, is the distribution of test during 16:18:18  the post testing period refevent to your enelysis? 16:18:24  A. I can't say that it is because we've 16:18:38  taken away the test effect, the fixing that we're 16:18:38  testing for, the sound. 16:18:42  Q. What would have happened had what 16:18:50  would the distribution of rats have been if we had 16:18:58  the repollers turned off or no repellers for seven 16:19:06  days? 16:19:08

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1	with as in a pretest? 16(19.18)	1	A. Yesh. 16:21:30
2	Q. Yes, correct, okay. 16:19:18	2	Q. Okay. So those were his controls, 16:21:30
3	A. We're seeing more or less uniform 16:19:22	3	right? 16:21:32
4	distribution in the pretest. If we never turn that 16:19:24	4	A. Not hardly. But in here, if you turn 16:21:34
5	on, we expect them to stay at that. 16:19:28	١,	the sound on, you see an offect. If you don't turn 16:21:46
6	O. Bat do you know what would have occurred 16:19:30	6	the sound on, you don't expect to see their, all go = 16.21:50
:	if we had a control period that was the same length 16:19:32	7	over julone more. I Jeean they're not party 16.21;52
8	as the zotimi lest? 16:19:36	8	animals, they don't have choose being delivered. 16:21:52
9	A. I can't fell you that without scoing the 16:19:40	: 9	Q. Why did you deside to see the offects in 16:23:54
	data, but the probabilities are very strong that 16:19:42	10	the Transonic protesting for an eatire year without 16:22:00
11	there is nothing those to make them move from one 16:19:48	11	the unit on as opposed to two days? Why wouldn't 16:22:02
:	side to the never except the presence of food and 16:19:50	17	you base conclusions on two days with the unit 16:22:06
i	the rats, and those are food is equal in both 16:19:54	13	
	sides in this test, water is equal in both sides. 16:19:56	14	A. Because that's not valid. 16:22:10
- 1			
- 1	• •	15	Q. Why not? 16 22:12.  A. Because I would be comparing it to a 16:22.12.
			• •
	if would be pure speculation to see what happens. 16.20;12	17	full year on. 16:22:16
18	When they turn on the things the first 16,20,14	18	Q. Okay. So do you agree that the 16.22:38
19	day of the test, we see what happens, they vanish 16:20:16	19	comparison of the time off and the time on should 16:22:20
20	over the course of three days and all disappear, 16:20:20	20	have some relationship in terms of length? 16:22:24
21	all move from right – or from side A to side B. 16:20:26	21	A. This is a totally different test. In my 16:22:26
: 22	Q. Well, we see that distributions differed 16:20:30	22	case, you have to recognize the seasonality and 16:22:30
	hetween day 1, day 2, day 3, et cetera, correct? 16:20:36	23	annual variation of mouse populations in the wild. 16:22:34
24	A. Uth-huth. 16:20:36 Page 206	24	
			Page 208
5	Q. But you don't know how distributions 16:20:38	1	come in during the autumn, and they come in in 16:22:40
; 2	would have occurred after day 2 if there were a 16:20:42	2	higher numbers if there are higher numbers out in 16:22:42
3	fulsome control period here, do you? 16:20:46	3	the wild because of good breeding conditions during. 16:2246
4	MR. OSTOJIC: Object to form. Tin sorry, what 16:20:48	4	the summer and early fall. I had to go long term 16(22.48
5	did you say, a fulsome? 16:20:50	5	Joi hoth of those so what I was testing was equal. J.6.22:52
6	BY MR. KOPEL: 16:20:50	6	In this case, you've put mice and rata 10:22:56
7	Q. Yes. 16:20:52	7	into the chambers. They're not coming in from 16:23:00
8	A 3 don't know what you mean by that. 16:20:52	8	someolage eise. Sensonality, annual varietion. 16:23:04
وا	Q. Sorie, So is it your opinion that the 16:20:54	ŋ	wild populations makes no difference to the study. 16:23:08
'	prof-minary testing counted as a control for this 16:20:58		Does that make sease? 16:23:10
	shidy? 16:21:00	11	I had to be in a position to say, yeah. 16:23:12
12	A. Yes. 16:21:02		I've compared exactly the same times of the year in 16,23.16
13	Q. Okay. But the control period was 16:21:02	!3	
14	significantly shorter than the treatment period, is 16(2):04	14	
15	that correct? 16(21)08	75	if you only test one. 16:23:28
16		16	O. You mentioned that you've worked 16:23:30
17			reviewing publications for prer-reviewed 16:23:32
	· · · · · · · · · · · · · · · · · · ·	Ι.	
18	A, Dr. Potter's tests went for a week, and 16:21:12	18	
19		19	A. Yes, It's volunteer work, I don't get 16:23:36
20	•	20	•
23	of the imbalance of location of the animals in his 16:21:24	21	Q. I shouldn't have said work. Here you 16:23:40
22	pretest. 26:21:26	22	
23	Q. Dr. Potter used autocaled apartments as 16.21(26	23	in which the control period was less than a third 16:23:54
24	well, correct? 16.21(30) Page 207		of the treatment period? 16:23:58 Page 209
	1 201		
			52 (Pages 204 - 200)

1		_	
	A. Very little of what I review actually 16:24:04	1	BY MR. KOPEL: 16:27:24
2	deals with a control period versus a test period 16:24;08	2	Q. Okay. So if you took a coin and flipped 16:27:24
3	because most of what I review has to do with field 16:24:12	3	it ten times, wouldn't you agree that it's possible 16:27:26
4	biology and studies that are done outside of a 16:24:14	4	to consistently get heads if you're only doing it 16:27:30
5	captive environment. Those tests in psychology and 16:24:18	5	one round or two rounds? 16:27:34
6	animal behavior are reviewed by people whose 16:24:24	6	MR. OSTOJIC: Object to form, foundation, 16:27:36
	specialty is controlled environment testing. 16:24:28	7	incomplete hypothetical, but go ahead. 16:27:36
8	O. Have you ever seen any peer-reviewed 16:24:30	8	BY THE WITNESS: 16:27:38
		9	
9		1258	
0	control period was less than a third of the 16.24:40	10	Guildenstern Are Dead too offen, that one eaused 16.27;44
1	treatment period? 16:24:40	11	them flipping the coin 100 times and always coming. 16:27:44
2	A. I could tell you that the psychologists 16:24;42	12	up heads. But, yes, there is probability of that, 16:27:46
13	at Capital University when they were running study 16:24:46	13	but there is not a probability that over the course: 16:27:48
4	tests would always have a short control period 16:24:48	14	of seven days of having the unit on, you would have 16:27:50
15	followed by a much longer study period. The 16:24:52	15	zero in the A Chumber and eight or ten in the B 16:27:54
6	control is only the setup, the proof that the two 16:24:56	16	Chamber every one of those days. That 16:28:00
7	sides don't differ, that you're starting with a 16:25:00	17	statistically goes up to being highly improbable, 16:28:02
18	balanced playing field, in other words, but the 16:25:06	18	BY MR. KOPEL: 16:28:04
19	studies run on longer to see if there is change 16:25:10	19	Q. That would be highly improbable with or 16:28:04
20	over time. So this is not atypical whatsoever. 16:25:22	20	without the pretest period, wouldn't you agree with 16:28:10
21	Q. If you observed the activity of rats 16:25:38	21	that? 16:28:12
22	over the course of one day, would that distribution 16:25:42	22	MR. OSTOJIC: Object to form. 16:28:14
	\$100 M 100 M 1		
23	Carrier and the control of the contr	23	BY THE WITNESS: 16:28:16
24	sufficient to establish a baseline for you? 16:25:56 Page 210	24	A. It would, but the pretest is there to 16:28:16 Page 21
	E. C. March		90 <b>8</b> 0 50
1	A. Not from a scientific standpoint, no. 16:26:02	1	solely give you a sense that the conditions were 16:28:20
2	Q. So one day – how about two days, is 16:26:06	2	balanced when you started the test; no difference 16:28:22
3	that sufficient? 16:26:10	3	between Chamber A and Chamber B in their 16:28:26
4	A. If we're looking at a pretest condition 16:26:14		
		4	attractiveness or repellency of the rats. They're 16:28:30
5	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	4 5	attractiveness or repellency of the rats. They're 16:28:30 not selecting one over the other. That is the 16:28:34
	and there is no change over those two duys, I would 16:26:18	5	not selecting one over the other. That is the 16:28:34
fi	and there is no change over those two days, I would 16:26:18 probably say that I'd like to see a few more, but 16:26:22	5	not selecting one over the other. That is the 16:28:34 condition, that is the function of a control. 16:28:38
6	and there is no change over those two days, I would 16:26:18 probably say that I'd like to see a few more, but 16:26:22 that doesn't matter. The tests are consistently 16:26:26	5 6 7	not selecting one over the other. That is the 16:28:34 condition, that is the function of a control, 16:28:38  If you want to go to the worst example, 16:28:42
6 7 8	and there is no change over those two days, I would 16:26:18 probably say that I'd like to see a few more, but 16:26:22 that doesn't matter. The tests are consistently 16:26:26 very short term, even in the things that you've 16:26:30	5 6 7 8	not selecting one over the other. That is the 16:28:34 condition, that is the function of a control. 16:28:38  If you want to go to the worst example, 16:28:42 you go to Potter's apartment tests where they put 16:28:44
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	and there is no change over those two days, I would 16:26:18 probably say that I'd like to see a few more, but 16:26:22 that doesn't matter. The tests are consistently 16:26:26 very short term, even in the things that you've 16:26:30 presented to me, some of those peer-reviewed things 16:26:32 had very short prefests 16:26:36  It doesn't change the test results. The 16:26:42 test results in this are unequivocally showing 16:26:44 efficacy at moving rats from Chamber A to Chamber 16:26:50 B, period, the end, no way to disparage or diminish 16:26:54 that. For that week, they moved everything out. 16:27:02 Q. Now, we only have a sample size of ten 16:27:06 ruts, right? 16:27:10 A. But if you put more than ten rats into 16:27:18 that container, we saw what happened. 16:27:14 monitoring the movement of ten rats over two days, 16:27:16 is that right? 16:27:18	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	not selecting one over the other. That is the 16:28:34 condition, that is the function of a control. 16:28:38  If you want to go to the worst example, 16:28:42 you go to Potter's apartment tests where they put 16:28:44 all the rats into the front room before the pretest 16:28:46 period of a week knowing that those rats and mice 16:28:50 would be or the mice in that study would be 16:28:56 teaving their odor, their pheromones, their urine, 16:28:58 their feces there for that week, and Dr. Potter 16:29:04 admits that that is a major attractant for mice to 16:29:08 stay in the area, so he's already biased it. 16:29:12  When he turned them loose, they tended 16:29:16 to stay in the front morn because he had already 16:29:20 set up a situation where no food in the back room, 16:29:22 no water in the back room, no seent of animals in 16:29:36 the back room. Mice go where mice have been. That 16:29:30 means it's safe. They're like that example of 16:29:34 going into the basement to check for the monster. 16:29:36
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1	Q. Well, did they stay in the front room in 16:29:44	1 it, don't we? 16:32:16
2	the untreated apartments? 16:29.48	2 A. Okay, I don't know, but, yes, there is 16:32:16
: 3	A. Their activity, as be points out and 16(29)48	3 evidence that there are some rats going in there to 16:32:20
4	uses for his conclusion that the effect the 16:29:52	4 feed. 16:32:22
5	ropellers were ineffective, he says, well, there 16:29:56	5 Q. Hold on. Let me get back to that, I'm 16:32:24
6	were high levels of activity in the front room, but 16:30:00	6 sorry. You see consumption in Chamber A on every 16:32:26
7	that's exactly what any scientist, biologist who 16:30:02	7 single day of the test, is that correct? 16:32:30
8	knows mouse behavior would expect if you have set = 16:30:06	8 A. Put it this way, you've got ten rats in 16:32:32
9	up a situation his control is completely flawed   16:30:08	9 a small room, a small chamber with a small bowl of 16:32:36
10	because the rooms are not the same size, not 16.30(74)	10 food. Not all ren pais can go food at that at the 116:32:40
11	equipped the same way, not smelling the same way. 16:30:16	11 same time. There will be reculife. They will 16:32:42
12	There is nothing about it that makes it a valid 16:30:20	12 defend their right to stay at the howl and eac. 56(32)46
13	test. 16:30:24	13 Somebody has got to go car at the other bowl 16:32:48
1/4	Q. Okay, we'll get to that Let's talk 16:50:26	14 whether they like it or not. 16:32:52
15	about this. Now, we see that there was fixed being 16:30:28	15 Q. So even when you put food on both sides 16:32:52
16	consumed in Chamber A throughout this test. 16:30:36	to of a test, you're still going to have the pests 16:32:54
17	correct? 16:30:40	17 going to eat the food from both sides, isn't that 16:32:56
18	A. Yes. 16:30:42	18 correct? 16:33:60
19	Q. Okay. And that's because rats were 16 30:44	19 MR. OSTORIC: Object to fotto, foundation, 16:33:00
20	going jiste Chamber A to get the food, is that 16:30:48	20 incomplete hypotherical, but go shead, J 6:33:02
21	enreet? 16:30:50	21 BY THE WITNESS: 16:33:04
22	A. And that's because they werea't onunting 16:30:50	22 A. Only if you don't give them enough space 16:33:04
23	during the night when sats are active. 26:30:54	23 to stay and eat comfortably on the one side. That 14:33:08
24	Q. Should they have counted during the 16:30:56	24 one small bowl of food forces them into contact. 16:33:12
	Puge 214	Page 210
	night? 16:30.58	1 social interaction which is going to be agonistic 16:33:38
1	night) termose	a market and the second of the
2		2 and drive them away. 16:53:20
2	A. They should have certainly done more 16:30:58 counts, but so should Porter who did only two 16:31:00	2 and drive them away. 16:53:20
2	A. They should have certainly done more (6:30:58) counts, but so should Potter who did only two counts a day. 10:31:04	2 and drive them away. 16:33:20 3 If they don't want to be fighting while 16:33:22
) : 3 : 4 : 5	A. They should have certainly done more (6:30:58) counts, but so should Potter who did only two counts a day. 10:31:04	2 and drive them away. 16:53:20 3 If they don't want to be fighting while 16:33:22 4 they eat, they have to go face the sound of it, but 16:33:24
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2 3 4 5 6	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 half, excuse me? 36:31:20	2 and drive them away. 16:33:20 3 If they don't want to be fighting while 16:33:22 4 they eat, they have to go face the sound of it, 5ut 16:33:24 5 they're not liking the sound. It still repels them 16:33:28 6 when they're not actively feeding. They're going 16:33:32 7 back to the more densely occupied side and staying 16:33:34
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2 3 4 5 6 7 8	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 half, excuse me? 36:31:20  A. Not when we get to the faird, fourth, 16:31:32 fifth, sixth days of the rest period. 16:31:32	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40
2 3 4 5 6 7 8 9 10	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 helf, excuse me? 36:31:20  A. Not when we get to the faird, fourth 16:31:32 fifth, sixth days of the rest period. 16:31:32	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPEL: 16:33:40
2 3 4 5 7 8 9 10	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 helf, excuse me? 36:31:20  A. Not when we get to the Bird, fourth 16:31:32  Q. Okay. So let's talk about the sixth 16:31:38	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPEL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40
2 3 4 5 6 7 8 9 10	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 helf, excuse me? 36:31:20  A. Not when we get to the third, fourth, 16:31:32  Q. Okay, So let's talk about the sixth 16:31:38 day. We've get 83:4 grans consumed in Chamber B 16:31:40 and 43:8 in Chamber A. 16:31:44	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPEL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40  do you know had, or are you speculating? 16:33:42
2 3 4 5 6 7 8 9 10 11 12 13	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 half, excuse me? 36:31:20  A. Not when we get to the faird, fourth, 16:31:32  Q. Okay, So let's talk about the sixth 16:31:38 day. We've get 83:4 grams consumed in Chamber B 16:31:40 and 43.8 in Chamber A. 16:31:44  A. More than twice as much. 16:31:48	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPBL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40  do you know that, or are you speculating? 16:33:42  A. There were ten rats in — is it 16:33:48
2 3 4 5 6 7 8 9 10 11 12 13	A. They should have containly done more 16:30:58 counts, but so should Porter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 helf, excuse me? 36:31:20  A. Not when we get to the faird, fourth, 16:31:36 fifth, sixth days of the rest period, 16:31:38  Q. Okay, So let's talk about the sixth 16:31:38 day. We've get 83:4 grants consumed in Chamber B 16:31:40 and 43:8 in Chamber A. 16:31:44  A. More than twice as much, 16:31:48  Q. Would you agree that 43:8 is more than 16:31:48	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  k there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPEL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40  do you know that, or are you speculating? 16:33:42  A. There were ten rats in – is it 16:33:48  14 16 square feet? Yeab, there were too many rats, 16:33:56
2 3 4 5 6 7 8 9 10 11 12 13 14	A. They should have containly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 helf, excuse me? 36:31:20  A. Not when we get to the third, fourth, 16:31:32  Q. Okay, So let's talk about the sixth 16:31:38 day. We've get 83:4 grans consumed in Chamber B 16:31:40 and 43.8 in Chamber A. 16:31:44  A. More than twice as much, 16:31:48  Q. Would you agree that 43.8 is more than 16:31:48 half of the 83:4? 16:31:52	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPEL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40  do you know that, or are you speculating? 16:33:42  A. There were ten rats in – is it 16:33:48  4 16 square feet? Yeat, there were too many rats, 16:33:66  four they tolerated that except when they were 16:34:02
2 3 4 5 6 7 7 8 9 10 11 12 13 14 15	A. They should have containly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 helf, excuse me? 36:31:20  A. Not when we get to the third, fourth 16:31:38  G. Okay. So let's talk about the sixth 16:31:38  day. We've get 83.4 grams consumed in Chamber B 16:31:40 and 43.8 in Chamber A. 16:31:44  A. More than twice as much 16:31:48  Q. Would you agree that 43.8 is more than 16:31:48 half of the 83.4? 16:31:52  MR. OSTOJIC: It's less, iso'(5)? 36:31.52	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, 5ut 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPBL: 16:33:40  10. Q. When you say there wasn't enough space, 16:33:40  12. do you know that, or are you speculating? 16:33:42  13. A. There were ten rats in — is it 16:33:48  14. 16 square feed? Yeab, there were too many rats, 16:33:56  15. but they tolerated that except when they were 16:34:02  16. toying to feed. 16:34:04
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 half, excuse me? 36:31:20  A. Not when we get to the faird, fourth, 16:31:26 fibb, sixth days of the rest period, 16:31:32  Q. Okay. So let's talk about the sixth 16:31:38 day. We've get 83:4 grams consumed in Chamber B 16:31:40 and 43.8 in Chamber A. 16:31:44  A. More than twice as much, 16:31:48 day would you agree that 43.8 is more than 16:31:48 half of the 83:4? 16:31:52  MR. OSTOJIC: It's less, iso' 50? 36:31:52  BY THE WINNESS: 16:31:54	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repolling, that's the definition of 16:33:36  repolling. 16:33:40  BY MR. KOPEL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40  do you know that, or are you speculating? 16:33:48  A. There were ten rats in – is it 16:33:48  16 square feet? Yeab, there were too many rats, 16:33:36  but they tolerated that except when they were 16:34:02  trying to feed. 16:34:04
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. They should have certainly done more 16:30:58 counts, but so should Potter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 half, excuse me? 36:31:20  A. Not when we get to the faird, fourth, 16:31:26 fibb, sixth days of the rest period, 16:31:32  Q. Okay. So let's talk about the sixth 16:31:38 day. We've get 83:4 grams consumed in Chamber B 16:31:40 and 43.8 in Chamber A. 16:31:44  A. More than twice as much, 16:31:48 day would you agree that 43.8 is more than 16:31:48 half of the 83:4? 16:31:52  MR. OSTOJIC: It's less, iso' 50? 36:31:52  BY THE WINNESS: 16:31:54	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  k there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPEL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40  2 do you know that, or are you speculating? 16:33:42  3 A. There were ten rats in – is it 16:33:48  14 16 square feet? Yeals, there were loo many rats, 16:33:96  but they tolerated that except when they were 16:34:02  trying to feed. 16:34:04  Q. So the over-density of rats affected 16:34:08  their feeding schedule but not their location; it's 16:34:12
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. They should have containly done more 16:30:58 counts, but so should Porter who did only two 16:31:00 counts a day. 10:31:04  Q. Now, in many instances here, we see that 16:31:06 the food consumed in Chamber A was almost half as 16:31:12 much as in Chamber B, do you see that, or more than 16:31:18 helf, excuse me? 36:31:20  A. Not when we get to the Bird, fourth, 16:31:26 fifth, sixth days of the rest period, 16:31:32  Q. Okay. So let's talk about the sixth 16:31:38 day. We've get 83:4 grains consumed in Chamber B 16:31:40 and 43.8 in Chamber A. 16:31:44  A. More than twice as much. 16:31:48  Q. Would you agree that 43.8 is more than 16:31:48 half of the 83:4? 16:31:52  MR. OSTOJIC: It's less, iso'(ii) 36:31:54  Q. Just right on the horder, and the other 16:31:54 question is we don't know how much total food was 16:31:56 pm into Chamber B. If that became exhausted, then 16:31:58 they'd have to go to Chamber A to feed. 16:32:00  BY MR. KOPEL: 16:32:12	and drive them away. 16:33:20  If they don't want to be fighting while 16:33:22  they eat, they have to go face the sound of it, but 16:33:24  they're not liking the sound. It still repels them 16:33:28  when they're not actively feeding. They're going 16:33:32  back to the more densely occupied side and staying 16:33:34  there, that's repelling, that's the definition of 16:33:36  repelling. 16:33:40  BY MR. KOPEL: 16:33:40  1 Q. When you say there wasn't enough space, 16:33:40  2 do you know that, or are you speculating? 16:33:42  A. There were ten rats in – is it 16:33:48  4 16 square feet? Yeab, there were loo many rats, 16:33:56  but they tolerated that except whou they were 16:34:02  trying to feed. 16:34:04  Q. So the over-density of rats affected 16:34:08  their feeding schedule but not their location; it's 16:34:14  not possible they were influenced by over-density 16:34:14  and their location? 16:34:16  MR. OSTOJIC: Object to form, foundation, but 16:34:18  go ahead. 16:34:22  A. The fact that when they contract found 16:34:22

that has long at that repetler was on and shory 1634-326 to that has long at that repetler was on and shory 1634-32 to wenter actively styring to go over to the other 1634-44 side to feed, it was a high puriodicity they were 1634-42 still at that chamber or cheep would have seen 1634-42 still at that chamber or cheep would have seen 1634-48 rouns of them there accorder or later that ing the 1634-48 rouns of them there accorder or later that ing the 1634-49 rouns. 1634-50 still a standard a single day that the 1634-50 rouns. 1634-50 still a standard a single day that the 1634-50 rouns. 1635-50 rouns.				
3 A. I don't think so, 16.36.24 4 side to feed, it was a slight purpositing they were 1.03.442 5 columb. 16.34.50 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.448 6 some of them there accenter or later thuring the 1.63.449 9 O. But there wastal a single day where they 1.63.500 12 A. And there wastal a single day where they 1.63.500 13 and a rate in that side of the closuber from day 4 16.35.01 14 on. 16.35.02 14 on. 16.35.02 15 on Food Stories there were another from they are later than 1.63.644 15 O. But we know there were a rate from 1.63.506 16 BY TFIF WITNESS: 1.63.500 17 of TRI to make fact the evidence, the 1.63.500 18 BY TFIF WITNESS: 1.63.500 19 O. A. You have to lake the evidence, the 1.63.500 10 of the thuring the fact the evidence, the 1.63.500 20 anoving there, that a different accenter than 1.63.500 21 anoving there, that a different accenter than 1.63.500 22 anoving there, that a different accenter than 1.63.500 23 anoving there, that a different accenter than 1.63.500 24 were there, but we don't have how lowe long they spent 1.63.502 25 anoving there, that a different accenter than 1.63.500 26 another than 1.63.600 27 or another than 1.63.600 28 are the thuring the 1.63.500 29 another than 1.63.600 20 another than 1.63.600 21 another than 1.63.600 22 another than 1.63.600 23 another than 1.63.600 24 another than 1.63.600 25 another than 1.63.600 26 another than 1.63.600 27 another than 1.63.600 28	1	all the rats in the Chamber B versus Chamber A says $\langle 16; 34; 26 \rangle$	3	post repellor to fix a ral infestation if there is = 16(36:18
4 side to reced, it was a shiply purposition they were 1634-82 sell in that chamber or cheep rot would have seen 1634-84 some of them there exerted on the during the 1634-85 of 20 years of them there exerted on the fact failing the 1634-85 of 20 years repellate completely drove out case, its teat 1634-85 of 20 years repellate completely drove out case, its teat 1634-96 of 20 years a ward in the sade of the chouber from day 4 1635-90 of 22 a. A. And there were it 1635-90 of 1635-90 of 23 are ward to the sade of the chouber from day 4 1635-90 of	- 1		2	no fuest in your house? 16:36(22
5 all in that chamber or elet you would have seen 16:34:48 6 some of them there some or later thing the 16:34:48 7 counds. 8 BY MR. KOPEL: 16:34:50 9 O. But there wanth a single day that the 16:34:50 10 poet repeller completely drove out rans, is that 16:34:50 11 poet repeller completely drove out rans, is that 16:34:50 12 A. And there wanth a single day that the 16:34:50 13 saw are in their sides of the chouseler found ay 4 16:35:02 14 on. 16:35:54 15 Q. But we know there were into their sides of the chouseler found ay 4 16:35:02 17 MR. OSTOIIC: Object to form. 16:35:04 18 BY THE WITNESS: 16:35:06 18 BY THE WITNESS: 16:35:06 19 A. You have to lake the evidence, the 16:35:10 20 visual swidence. It what you're doing is comparing 16:35:12 21 number of ratt in one side of the other, there is 16:35:24 23 moving there, that is a different accounce that 16:35:22 24 you're looking at Yes, there were some rate that 16:35:22 25 you're looking at Yes, there were some rate that 16:35:22 26 there. 16:35:36 27 instead behind the well of the house and then there 16:35:26 28 max would be rounded a prescription of the comparing the state of the counce, wealth at he had a first that the state is repellion; and that is, Test 3, do you get a change 16:37:12 29 small behind the well of the house and then there 16:35:32 30 max would be rounded by a passible those 16:35:32 31 MY MR. KOPEL: 16:35:32 4 Q. Well, let's say there are rist that leave 16:35:32 3 max would be rounded and the house is not less than the same less than the same less than 16:37:30 3 max would be rounded and the house is not less than the same less than the same less than 16:36:41 3 max would be rounded and the house is not less than the same less than 16:37:30 4 counting the same less than 16:36:36 5 man that the possible those 16:35:36 6 man behavior the same less than 16:36:36 7 instead behavior the volume that the same less than 16:37:30 8 max would be rounded and the house that the same less than 16:36:36 9 max would be rounded and the following the less th	3	weren't actively trying to go over to the other 16:34:40	, 3	A. I don't think so, 16:36:24
6 some of them there some or later during the 163448 (7 counts). 163450 (8 PY MR KOPEL: 163450 (9 Q. But there would a single day than the 163450 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller completely drove out case, is that 164350 (19 pert repeller as from the state is a state of the charge of the complete out the state of the charge of the complete out the state of the charge of the complete out the state of the charge of the complete out the state of the charge of the complete out the state of the charge of the complete out the state of the charge of the complete out the complete out the state of the charge of the complete out th	4	side to food, it was a high probability they were 16:34:42	4	Q. Okuy. So in that case, it's not really 14:36:24
7   BY THE WITNESS:   16.364.50   7   BY THE WITNESS:   16.36.38   3   A. You wouldn't have an expeller them:   16.36.38   3   BY MR. KOPEL:   16.36.38   10   pert repeller completely drove out rain, is that   16.34.50   30   BY MR. KOPEL:   16.36.38   11   Q. But the first flust lines is a rootal   16.36.38   12   controller flow shows the word on the second rate of the chouber flow day   4   16.35.02   13   saw a rate in the side of the chouber flow day   4   16.35.02   13   controller flow shows the word on the second rate flust   16.35.02   14   controller flow shows the word on the second rate flust   16.35.02   15   controller flow shows the word on the second rate flust   16.35.02   15   controller flow shows the word on the second rate flust   16.35.22   15   controller flust in the side of the chouber flow shows the word have the side of the chouber flow shows the second rate flust   16.35.22   16   controller flust in the side of the chouber of the side of the chouber flow shows the second rate flust   16.35.22   16   controller flust   16.35.28   16.35.28   16.35.28   16.35.28   16.35.28   16.35.28   16.35.28   16.35.29   16.35.40   16	5	•	.5	adding anything, is that correct? 16:36:28
8 BYMR. KOPEL: 16.34:50 9 Q. But there wanth a single day that the 16:34:50 10 pent repeller compilelely drove out ran, is that 16:34:50 11 entroee? 16:35:30 12 A. And there wanth a single day where they 16:35:00 13 and a rate in the side of the chubber from day 4 16:35:00 14 ou. 16:35:40 15 Q. But we know there were mist here, but, 16:35:00 16 that right? 16:35:00 17 MR, CSTORIC: Object to form. 16:35:00 18 BYTHE WINNESS: 16:35:00 19 A. You have to take the evidence, the 16:35:10 20 visual swidence. If what you're doing is comparing 16:35:12 21 number of rate in one side or the other, then to 16:35:10 22 discount it and say, well, we knew that they were 16:35:20 23 moving there, that's a different occurred consure that 16:35:20 24 you're looking al. Yes, there were some rate that have 16:35:22 25 you're looking al. Yes, there were some rate that have 16:35:22 26 there. 16:35:32 27 won're looking al. Yes, there were some rate that have 16:35:32 28 TYME KOPEL: 16:35:32 29 there, 16:35:36 20 there is not so do only the possible those 16:35:40 21 there were two tests of whether governing 16:35:40 22 there 16:35:36 23 There are two tests of whether governing 16:35:40 24 there, 16:35:36 25 trues behind the well of the house and then there 16:35:36 26 the condition that well of the house and the three 16:35:36 27 inside the house, wouldn't is be possible those 16:35:40 28 that it has to contribute or the condition, but go alound 16:35:40 29 food and going back just like they did in this 16:35:40 20 the the food of the chard of the c	- 6	some of them there sooner or later during the 16:34:48	6	MR, OSTOHC: Object to form. 16:36:30
9 Q. But there want a single day that the 16/34/50 10 port repellor completely drove out case, is that 16/4/56 11 corroce? 16/35/50 12 A. And there wasn't a single day where they 16/35/50 13 are a rat in the side of the chamber from day 4 16/35/50 14 on. 16/35/50 15 Q. But we know there were not before; said 16/35/50 16 that right? 16/35/50 17 MR. OSTOINC: Object to form. 16/35/50 18 BY TEF WTINESS: 16/35/50 19 A. You have to take the evidence, the 16/35/10 20 visual evidence. If what you're doing is comparing 16/35/12 21 discount it and say, well, or knew that they were 16/35/22 23 moving there, that's a different ensure that 16/35/22 24 you're looking al. Yes, there were wore not put that 16/35/22 25 you're looking al. Yes, there were wore not put that 16/35/22 26 there. 16/35/28 27 Well, let's say there are rars from low 16/35/32 28 in the went there, but we don't know how long they spent 16/35/32 29 fond and geing landy have been discussed in the longer. 16/35/34 16 is food inside the house and there is a repellor on 16/35/34 17 MR. OSTOINC: Object to form, foundation. 16/36/48 18 DY TIME WTINESS: 16/36/48 19 Wall, let's say there are rars from low 16/35/34 10 there. 16/35/32 10 yes have to pick up the death of the other and the states 16/35/34 11 the behavior. I was a death at the term of the states 16/35/34 12 hypothetical, foundation, but go allows. 16/35/34 13 by TIME WTINESS: 16/36/48 14 ment there is a repellor on 16/35/34 15 the state of the chamber of the other and the state of the chamber of the ch	7	counts. 56:34:50	7	BY THE WIINESS: 16:36:32
10   pent repellor completely drove out case, is that   16/14/256   10   24   A. And there watch's single they where they   16/25/20   13   saw a true in the side of the chamber from day 4   16/25/20   15   co.   16/25/26   16/25	- 8	BY MR. KOPEL: 16.34:50	8	A. You wouldn't have an expeller there 16:36:32
21   Correct?   16:35:00   13   Q. But the fact that there is a roctent   16:36:44     3   awa a raw in the side of the chouses from they   16:35:02   13   boves, in that correct?   16:36:44     4   cm.	9	Q. But there wasn't a single day that the 16(34(50)	9	unless you thought you had a rodent, yes. 16:36:36
2. A. And there was all a single day where they 1625:00 12 infestation suggests that those is food in the 163:642 13 area area in that side of the chouber from day 4 16:35:02 14 on. 163:03:04 16:35:06 15 O. Bet we know there were sets them, but 16:35:06 16 that tight? 16:35:06 17 MR, OSTOJIC: Object to form. 16:35:06 18 BY THE WINNESS: 16:35:06 18 BY THE WINNESS: 16:35:06 18 BY THE WINNESS: 16:35:06 19 A. You have to take the evidence, the 16:35:10 19 A. You have to take the evidence, the 16:35:10 19 A. You have to take the evidence, the 16:35:10 19 A. You have to take the evidence, the 16:35:10 19 A. You have to take the evidence, the 16:35:10 19 A. You have to take the evidence, the 16:35:10 19 A. You have to take the evidence, the 16:35:10 19 A. You have to take the evidence, the 16:35:10 19 A. You have to do the other, then to 16:35:10 19 A. You have to do the other, then to 16:35:10 19 A. You have to do the other, then to 16:35:10 19 A. You have to do the other, then to 16:35:10 19 A. You have to do the other, then to 16:35:10 19 A. You have to do the other, then to 16:35:10 19 A. You have to do the other, then to 16:35:10 19 A. You have to do the do they expellency or 16:35:22 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:24 19 Appears to 16:35:40 19 Appears to 16	10	post repeller completely drove out rais, is that 16:34:56	30	BY MR. KOPRI: 16:36:38
13 saw a tax in that side of the chember from day 4 18:35:02 14 on 16:35:04 15 Q. But we know there were not betwee, but 16:35:06 16 that right? 16:35:06 17 MR, OSTOJIC Object to form. 16:35:06 18 BY THE WITNESS: 16:35:08 18 BY THE WITNESS: 16:35:08 19 A. You have to bake the evidence, the 16:35:10 20 viscal evidence. If what you is doing is comparing 16:35:12 21 mamber of rate in one side of the other, them to 16:35:16 22 discount it and say, well, we knew that they were 16:35:20 23 moving there, that a afferous accessore that 16:35:22 24 you're looking at. Yes, there were known into that 16:35:22 25 you're looking at. Yes, there were known into that 16:35:22 26 there. 16:35:28 27 MY MR, KOPEL: 16:35:36 28 in sea betinal the wall of the bouse and then there 16:35:34 39 MY MR, KOPEL: 16:35:46 31 may world the house and then there 16:35:40 31 may world the house and then there 16:35:40 31 may world the house and then there 16:35:40 32 may world the house and then there 16:35:40 33 may world the house and then there 16:35:40 4 Q. Well, let's say there are rate find have 16:35:40 5 in reside the house and then there 16:35:40 5 in reside the house and then there 16:35:40 5 in reside the house and then there 16:35:40 5 in reside the house and then there 16:35:40 5 in reside the house and then there 16:35:40 5 in reside the house and then there 16:35:40 5 in reside the house and then there 16:35:40 5 in reside the house and then there 16:35:40 6 is food inside the house and then there 16:35:40 6 is food inside the house and then there 16:35:40 6 in the repellor are frame in a respeller on 16:35:40 6 in the repellor are frame in a respeller on 16:35:40 6 in the repellor are frame in 16:35:40 6 is food inside the house and then there 16:35:40 6 in the repellor are frame in 16:35:40 6 in the repellor are frame in 16:35:40 6 in the house in the level in in this 16:35:40 6 in the repellor are frame in 16:35:40 6 in the repellor are frame in 16:35:40 6 in the repellor are frame in 16:35:40 6 in the repellor are frame in 16	: 71	eorreet? 16:35:00	. 11	Q. But the fact that there is a restent 16:16:38
14 on. 16:35:44  15 Q. But we know there were into there, isn't 16:35:06  16 that tright? 16:35:06  17 MR, OSTOJIC: Object to form. 16:35:06  18 BY THE WITHESS: 16:35:08  19 A. You have to bake the evidence, the 16:35:10  20 visual evidence. If what you're desire is consumerating 16:35:10  21 number of rats in one side or the other, then to 16:35:10  22 discount it and say, well, we knew that they were 16:35:20  23 moving there, that a different encayer that 16:35:22  24 you're looking at. Yes, there were some rats that 16:35:22  25 page 218  1 went there, but we don't know how long they spent 16:35:28  2 there. 16:35:32  3 MY MR, KOPEL: 16:35:32  4 Q. Well, let's say there are rats that lawe 16:35:40  5 inside the house and there is a repeller on 16:35:40  5 inside the house wouldn't is be possible those 16:35:40  1 inside the house wouldn't is be possible those 16:35:40  1 inside the house wouldn't is be possible those 16:35:40  1 inside the house wouldn't is be possible those 16:35:40  2 inside wouldn't is be possible those 16:35:40  3 inside the house, wouldn't is be possible those 16:35:40  3 inside the house, wouldn't is be possible those 16:35:40  4 in the rundoig tim the bouse, mouldn't in the foot, and it would he 16:35:40  5 the foot inside the house and there is a repeller on 16:35:40  5 the foot inside the house and there is a repeller on 16:35:40  5 the foot inside the house in the house in 16:35:40  5 the foot inside the house in the house in 16:35:40  6 the foot inside the house in the foot, and it would in this 16:35:40  7 inside rho house, wouldn't is be possible those 16:35:40  8 inst would be rundoig tim the bouse, grabbing the 16:35:40  9 the foot and any going look just like they did in this 16:35:40  10 the rundoid time the foot, and it would have 16:36:00  11 MR. OSTOJK: Object to form, incomplete 16:35:26  12 says; you have to pick up fix feed, you should have 16:36:00  13 says; you have to pick up fix feed, you should have 16:36:00  14 one foot a variable in the louse. 16:36:00  15 gypt	12	A. And there wasn't a single day where they 16:35:00	12	infestation suggests that there is food in the 16:36:42
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17 MR, OSTOJIC: Object to form. 16:35:06 18 BV THE WITNESS: 16:35:10 19 A. You have to take the evidence, the 16:15:10 20 viscal evidence. If what you're doing is coraparing 16:35:12 21 mamber of rate in one side or the other, then to 16:35:16 22 discount it and say, well, we knew that they were 16:35:20 23 moving there, that's a different account that 16:35:22 24 you're looking at I ves, there were wone rate that 16:35:22 25 you're looking at I ves, there were wone rate that 16:35:24 26 there. 16:35:28 27 I went there, but we don't know how long they spent 16:35:28 28 I went there, but we don't know how long they spent 16:35:28 29 I went there, but we don't know how long they spent 16:35:28 20 I went there, but we don't know how long they spent 16:35:28 21 I went there, but we don't know how long they spent 16:35:28 22 there. 16:35:28 23 I went don't know how long they spent 16:35:24 24 O. Well, lee's say there are rate find love 16:35:24 36 is food inside the house and there is a repaller to 16:35:34 36 is food inside the house and there is a repaller to 16:35:40 37 inside the house, wouldn't is be possible those 16:35:40 38 that would be remote girll the feel to the food and going back just like they did in this 16:35:40 39 I make to plok up fine food, and it would be 16:35:40 31 I MR. OSTORC: Object to form, incomplete 16:35:46 31 I MR. OSTORC: Object to form, incomplete 16:35:40 31 I MR. OSTORC: Object to form, incomplete 16:35:46 31 I MR. OSTORC: Object to form, incomplete 16:35:46 31 I MR. OSTORC: Object to form, incomplete 16:35:46 31 I MR. OSTORC: Object to form, incomplete 16:35:40 31 I MR. OSTORC: Object to form, incomplete 16:35:40 31 I MR. OSTORC: Object to form, incomplete 16:35:40 32 I don't don't in the lower. 16:35:40 33 I don't don't in the lower. 16:35:40 34 I don't don't in the food in Chamber A was within 16:37:50 35 I don't don't in the lower. 16:35:40 36 I don't don't in the lower. 16:35:40 37 I don't don't in the lower. 16:35:40 38 I don't don't in the lower. 16:35:40 39 I don't don't in	: 15	Q. But we know there were rets there, isn't 16:35:06	1.5	BY THE WIINESS: 16:36:48
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21   number of rats in one side or the other, then to 16:35:16   22   discount it and say, well, we knew that they were 16:35:20   23   There are two tests of whorker something 16:37:08   24   pourire looking al. Yes, there were some rats that 16:35:22   24   there.	19	A. You have to take the evidence, the 16(35(10))	19	here for the test is the data as it is which shows 16:36:36
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11 MR. OSTOJK	- 1		. 9	it's starving to death and the food is in the other 16.37;40
12 hypothetical, foundation, but go alload.   16:35:48   12 or one room of the apuration.   16:37:50     13 BY THE WITNESS:   16:35:52   13 BV WR, KOPEL:   16:37:52     14 A. It would depend on the location of the   16:35:52   14 Q. Now, the food in Chamber A was within   16:37:52     15 expeller with regard to the food, and it would be   16:35:56   15 the fine of the post repeller in this instance,   16:37:58     16 in direct violation of everything Bell & Howell   16:36:00   16 right?   16:37:58     17 says; you have to pick up the fixed, you should have   16:36:00   17 A. I don't doubt it.   16:38:00     18 no food available in the house.   16:36:06   18 Q. Okay. And notwithstanding that the test   16:38:02     19 BY MR, KOPEL:   16:36:06   19 repeller was on the food, the rars still went for   16:38:04     20 Q. If there is no food available in a   16:36:10   20 fluid food, is that correct?   16:38:08     21 A. Well, since it disappeared, that would   16:38:10     22 infestation?   16:36:14   22 seem in the fine case, but it doesn't indicate foot   16:38:14     23 A. Probably not.   16:36:14   23 they stayed there for aby length of time. It's cast   16:38:16     24 and mail tocause you don't get a chance to car in   16:38:18	- 1	test? 16:35:46	10	
13 BY THE WTINESS: 16:35:52 14 A. It would depend on the Incation of the 16:35:52 15 expeller with regard to the food, and it would be 16:35:56 16 is direct violation of everything Bell & Howell 16:36:00 17 says; you have to pick up the fixed, you should have 16:36:00 18 no food available in the house. 16:36:06 19 BY MR. KOPEL: 16:36:06 19 BY MR. KOPEL: 16:36:06 19 repeller was on the food, the rars still went for 16:38:04 20 Q. If there is no food available in a 16:36:10 21 house, would you expect there would be a ral 16:36:12 22 infestation? 16:36:14 23 A. Probably not. 16:36:14 24 Q. Okay. So do you need a Bell & Howell 16:36:16 24 Q. Okay. So do you need a Bell & Howell 16:36:16 25 and not fine food at a chance to ear in 16:38:18	:		111	-
14 Q. Now, the food in Chamber A was wirtin 16:37:52 15 expeller with regard to the food, and it would be 16:35:56 16 is direct violation of everysting Bell & Howell 16:36:00 17 says; you have to pick up the food, you should have 16:36:00 18 no food available in the house. 16:36:06 19 BY MR. KOPEL: 16:36:06 19 repeller was on the food, the rars still went for 16:38:04 20 Q. If there is no food available in a 16:36:10 21 house, would you expect there would be a rat 16:36:12 22 infestation? 16:36:14 23 A. Probably not. 16:36:14 25 Probably not. 16:36:14 26 Probably not. 16:36:14 27 and not food available of tensor for aby length of tensor f	-		12	•
15 expeller with regard to the food, and it would be 16:35:56 16 is direct violation of everysting Bell & Howell 16:36:00 17 says; you have to pick up the feed, you should have 16:36:00 18 no food available in the house. 16:36:06 19 BY MR. KOPEL: 16:36:06 19 Py MR. KOPEL: 16:36:06 19 repeller was on the food, the rars still went for 16:38:04 20 Q. Bithere is no food available in a 16:36:10 21 house, would you expect there would be a rat 16:36:12 22 infestation? 16:36:14 23 A. Probably not. 16:36:14 24 Q. Okay. So do you need a Bell & Howell 16:36:16 25 and numbers of the pest repeller in this instance, 16:37:58 16 right? 16:37:58 17 A. I don't don't it. 16:38:00 18 Q. Okay. And notwithstanding that the test 16:38:00 19 repeller was on the food, the rars still went for 16:38:04 20 float food, is that correct? 16:38:08 21 A. Well, since it disappeared, that would 16:38:10 22 section he file case, but it doesn't indicate fact 16:38:16 23 they stayed there for aby length of time. 18: cat 16:38:16 24 Q. Okay. So do you need a Bell & Howell 16:36:16 25 and numbers are perfected in this instance, 16:37:52 26 right? 16:37:58 27 A. Probably not. 16:36:16 28 according to the food of the pest repeller in this instance, 16:37:58 29 right? 16:37:58 20 Okay. And notwithstanding that the test 16:38:00 20 Okay. And notwithstanding that the test 16:38:00 21 A. Well, since it disappeared, that would 16:38:10 22 section he file case, but it doesn't indicate fact 16:38:16 23 and numbers are perfect to the case in 16:38:18			1	
16 is direct violation of everything Bell & Howell       16:36:00       16 right?       16:37:58         17 says; you have to pick up the feed, you should have 16:36:02       17 A. I don't don't it.       16:38:00         18 no food eval/able in the house.       16:36:06       18 Q. Okay. And notwithstanding that the test 16:38:02         19 BY MR. KOPFL:       16:36:06       19 repeller was on the food, the rars still went for 16:38:04         20 Q. If there is no food available in a 16:36:10       20 that food, is that correct?       16:38:08         21 house, would you expect there would be a ral 16:36:12       21 A. Well, since it disappeared, that would 16:38:10         22 infestation?       16:36:14       22 seem to be the case, but it doesn't indicate fact 16:38:14         23 A. Probably not.       16:36:14       23 they stayed there for aby length of tame. It's cast 16:38:16         24 Q. Okay. So do you need a Bell & Howell 16:36:16       24 and min because you don't get a chance to car in 16:38:18		•	1	I
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18 no food available in the house.       16:36:06       18 Q. Okay. And notwithstanding that the test 16:38:02         19 BY MR. KOPEL:       16:36:06       19 repeller was on the food, the rars still went for 16:38:04         20 Q. If there is no food available in a 16:36:10       20 flat food, is that correct?       16:38:08         21 house, would you expect there would be a rat 16:36:12       21 A. Well, since it disappeared, that would 16:38:10         22 infestation?       16:36:14       22 seem in he file case, but it doesn't indicare fair. 16:38:14         23 A. Probably not.       16:36:14       23 they stayed there for any length of time. 15s cat 16:38:16         24 Q. Okay. So do you need a Bell & Howell 16:36:16       24 and man because you don't get a chance to car in 16:38:18	i			·
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24 Q. Okay. So do you need a Bell & Howell 16:36:16 24 and run because you don't get a chance to ear in 16:38:18	ļ			
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	Chamber B, you're still repelled back to Chamber B. 16:38:22	1 compost materials on the kitchen counter. 16:39:54
2	The only question is does it repel, and that is 16.38:24	2 Q. Right. And most people have garbage in 16:39:56
3	proven absolutely by this, the rats have moved away 16:38:28	3 their kitchen, right? 16:40:02
4	from it. 16:38:32	4 A. Yeah, right. 16:40:02
5	Q. Does this test show that the 16:38:32	5 Q. And rats and mice can eat that, right? 16:40:02
6	Bell & Howell repollers can drive rats out of the 16:38:34	6 A. But if you're concerned about a rat or a 16:40:04
7	house? 16:38:36	7 mouse in your house, then the first thing any 16:40:06
8	MR, OSTOJIC: Object to form, foundation. 16:38:38	8 logical person would do is pick up the trash and 16:40:10
9	BY THE WITNESS: 16:38:40	9 put it in a garbage cun. 16:40:12
10	A. You can't drive rats out of the house if 16.38:40	10 Q. Yeah, but rats and mice can still get 16:40:14
п	there is no way for them to leave. All the tests 16:38:42	11 food from a garbage can, can't they? 16:40:16
12	that are done in these circumstances are closed 16:38:46	12 A. If you close the top? 16.40:16
13	chambers. 16:38:48	13 Q. They can still get inside a panny and 16:40:18
14	BY MR. KOPEL: 16:38:50	14 get food from inside a pantry, can't they? 16:40:22
15	Q. Okay. 16:38:50	15 A. If you let them graw through the wood 16:40:24
16	A. That forces habituation. 16:38:50	16 and whatever, yes, it's a matter of 16:40:26
17	O. 1 think you might have misunderstood the 16:38:52	17 O. They can still get behind a refrigerator 16:40:28
18	question. I'm talking about in the real world. 16:38:54	18 if there is food there, can't they? 16:40:30
19	Does the data from this test suggest that the 16:38:56	19 A. We're not talking about - 16:40:34
	Bell & Howell test repellers will drive rats out of 16:39:00	20 MR OSTOJIC: Object, incomplete hypothetical, 16:40:36
20		21 but go ahead. 16:40:38
21		The state of the s
22	MR. OSTOJIC: Object, incomplete hypothetical, 16:39:06	
23	but go ahead, 16:39:08	23 A. We're carrying on things that are just, 16:40:38
24	BY THE WITNESS: 16:39:12 Page 222	24 as far as I'm concerned, off the topic of what 16:40:42 Page 224
3	they can only repel them to the distance to which 16:39:16 the sound is audible to them. 16:39:18	3 Q. I know you contend that Bell & Howell 16:40:46
6 7 8 9 10 11 12 13	BY MR. KOPEL: 16:39:20  Q. And rats might have a nest behind the 16:39:20  walls of the house, is that right? 16:39:24  A. True. 16:39:26  Q. And they might, when they're longry, 16:39:26  come into the house and get food and go back to the 16:39:28  nest, is that correct? 16:39:32  A. Not if you don't have food available for 16:39:32  them. 16:39:34	4 never said this, but my question to you from 16:40:50 5 carlier is does the data from this test show that 16:40:52 6 the repellors are capable of driving rats or mice 16:40:56 7 out of the house? 16:41:00 8 MR. OSTOJIC: Same objections as before, but 16:41:00 9 go akead. 16:41:02 10 BY THE WITNESS: 16:41:04 11 A. It is Dr. Potter's posit that you have 16:41:04 12 to drive them out of the house. He recites that 16:41:08 13 again and again as his designated means of defining 16:41:12
3 6 7 8 9 10 11 12 13 14	BY MR. KOPEL: 16:39:20  Q. And rats might have a nest behind the 16:39:20  walls of the house, is that right? 16:39:24  A. True. 16:39:26  Q. And they might, when they're longry, 16:39:26  come into the house and get food and go back to the 16:39:28  nest, is that correct? 16:39:32  A. Not if you don't have food available for 16:39:32  them. 16:39:34  Q. Righr. But is there food in your house? 16:39:34	5 carlier is does the data from this test show that 16:40:52 6 the repellers are capable of driving rats or mice 16:40:56 7 out of the house? 16:41:00 8 MR. OSTOJIC: Same objections as before, but 16:41:00 9 go ahead. 16:41:02 10 BY THE WITNESS: 16:41:04 11 A. It is Dr. Potter's posit that you have 16:41:04 12 to drive them out of the house. He recites that 16:41:08 13 again and again as his designated means of defining 16:41:12 14 whether it repels them. But even in his apartment 16:41:18
3 6 7 8 9 10 11 12 13 14 15	DY MR. KOPEL: 16:39:20  Q. And rats might have a nest behind the 16:39:20  walls of the house, is that right? 16:39:24  A. True. 16:39:26  Q. And they might, when they're bongry, 16:39:26  come into the house and get food and go back to the 16:39:28  nest, is that correct? 16:39:32  A. Not if you don't have food available for 16:39:32  them. 16:39:34  Q. Right, But is there food in your house? 16:39:34  A. Not on the floor, not out where they can 16:39:36	5 carlier is does the data from this test show that 16:40:52 6 the repellors are capable of driving ruts or mice 16:40:56 7 out of the house? 16:41:00 8 MR. OSTOJIC: Same objections as before, but 16:41:00 9 go ahead. 16:41:02 10 BY THE WITNESS: 16:41:04 11 A. It is Dr. Potter's posit that you have 16:41:04 12 to drive them out of the house. He recites that 16:41:08 13 again and again as his designated means of defining 16:41:12 14 whether it repels them. But even in his apartment 16:41:18 15 tests, he has set up a situation where 16:41:22
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5 6 7 8 9 10 11 12 13 14 15 16	DY MR. KOPEL: 16:39:20  Q. And rats might have a nest behind the 16:39:20  walls of the house, is that right? 16:39:24  A. True. 16:39:26  Q. And they might, when they're longry, 16:39:26  come into the house and get food and go back to the 16:39:28  nest, is that correct? 16:39:32  A. Not if you don't have food available for 16:39:32  them. 16:39:34  Q. Right, But is there food in your house? 16:39:34  A. Not on the floor, not out where they can 16:39:36  get at it. 16:39:38  Q. And you still had mice coming in, didn't 16:39:40	5 carlier is does the data from this test show that 16:40:52 6 the repellors are capable of driving ruts or mice 16:40:56 7 out of the house? 16:41:00 8 MR, OSTOJIC: Same objections as before, but 16:41:00 9 go ahead. 16:41:02 10 BY THE WITNESS: 16:41:04 11 A. It is Dr. Potter's posit that you have 16:41:04 12 to drive them out of the house. He recites that 16:41:08 13 again and again as his designated means of defining 16:41:12 14 whether it repels them. But even in his apartment 16:41:18 15 tests, he has set up a situation where 16:41:22 16 theoretically they could not escape the apartments, 16:41:24 17 they could not be driven out, and yet the mice 16:41:26
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	DY MR. KOPEL: 16:39:20  Q. And rats might have a nest behind the 16:39:20  walls of the house, is that right? 16:39:24  A. True. 16:39:26  Q. And they might, when they're longry, 16:39:26  come into the house and get food and go back to the 16:39:28  nest, is that correct? 16:39:32  A. Not if you don't have food available for 16:39:32  them. 16:39:34  Q. Right, But is there food in your house? 16:39:34  A. Not on the floor, not out where they can 16:39:36  get at it. 16:39:38  Q. And you sult had mice coming in, didn't 16:39:40  you? 16:39:42  A. Oh, in my fam house? 16:39:44  A. Lalways had food available for them. 16:39:44	5 carlier is does the data from this test show that 16:40:52 6 the repellors are capable of driving ruts or mice 16:40:56 7 out of the house? 16:41:00 8 MR. OSTOJIC: Same objections as before, but 16:41:00 9 go ahead. 16:41:02 10 BY THE WITNESS: 16:41:04 11 A. It is Dr. Potter's posit that you have 16:41:04 12 to drive them out of the house. He recites that 16:41:08 13 again and again as his designated means of defining 16:41:12 14 whether it repels them. But even in his apartment 16:41:18 15 tests, he has set up a situation where 16:41:22 16 theoretically they could not escape the apartments, 16:41:24 17 they could not be driven out, and yet the mice 16:41:26 18 proved him wrong. They chewed through the walls, 16:41:30 19 the barriers, they got out of the apartment, they 16:41:32 20 got out of the sound system range, and he failed to 16:41:34 21 count those as expelled. 16:41:36
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	DY MR. KOPEL: 16:39:20  Q. And rats might have a nest behind the 16:39:20  walls of the house, is that right? 16:39:24  A. True. 16:39:26  Q. And they might, when they're longry, 16:39:26  come into the house and get food and go back to the 16:39:28  nest, is that correct? 16:39:32  A. Not if you don't have food available for 16:39:32  them. 16:39:34  Q. Right, But is there food in your house? 16:39:34  A. Not on the floor, not out where they can 16:39:36  get at it. 16:39:38  Q. And you still had mice coming in, didn't 16:39:40  you? 16:39:42  A. Oh, in my farm house? 16:39:42  Q. Yes. 16:39:44	the repellers are capable of driving ruts or mice 16:40:52 the repellers are capable of driving ruts or mice 16:40:56 nut of the house? 16:41:00 MR. OSTOJIC: Same objections as before, but 16:41:00 go ahead. 16:41:02 HE WITNESS: 16:41:04  A. It is Dr. Potter's posit that you have 16:41:04 to drive them out of the house. He recites that 16:41:08 again and again as his designated means of defining 16:41:12 whether it repels them. But even in his apartment 16:41:18 tests, he has set up a situation where 16:41:22 theoretically they could not escape the apartments. 16:41:24 they could not be driven out, and yet the mice 16:41:26 proved him wrong. They chewed through the walls, 16:41:30 the barriers, they got out of the apartment, they 16:41:32 got out of the sound system range, and he failed in 16:41:34
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	DY MR. KOPEL: 16:39:20  Q. And rats might have a nest behind the 16:39:20  walls of the house, is that right? 16:39:24  A. True. 16:39:26  Q. And they might, when they're longry, 16:39:26  come into the house and get food and go back to the 16:39:28  nest, is that correct? 16:39:32  A. Not if you don't have food available for 16:39:32  them. 16:39:34  Q. Right, But is there food in your house? 16:39:34  A. Not on the floor, not out where they can 16:39:36  get at it. 16:39:38  Q. And you sult had mice coming in, didn't 16:39:40  you? 16:39:42  A. Oh, in my fam house? 16:39:44  A. Lalways had food available for them. 16:39:44	5 carlier is does the data from this test show that 16:40:52 6 the repellors are capable of driving ruts or mice 16:40:56 7 out of the house? 16:41:00 8 MR. OSTOJIC: Same objections as before, but 16:41:00 9 go ahead. 16:41:02 10 BY THE WITNESS: 16:41:04 11 A. It is Dr. Potter's posit that you have 16:41:04 12 to drive them out of the house. He recites that 16:41:08 13 again and again as his designated means of defining 16:41:12 14 whether it repels them. But even in his apartment 16:41:18 15 tests, he has set up a situation where 16:41:22 16 theoretically they could not escape the apartments, 16:41:24 17 they could not be driven out, and yet the mice 16:41:26 18 proved him wrong. They chewed through the walls, 16:41:30 19 the barriers, they got out of the apartment, they 16:41:32 20 got out of the sound system range, and he failed to 16:41:34 21 count those as expelled. 16:41:36

1 because I didn't ask anything about Mike Potter, 16:41:44	I in a space larger than 4 feet by 4 feet by 2 feet, 16:44:00
2 Does the data from this test show that 16:41:46	2 is that correct? 16:44:04
3 the Bell & Howell repellers are capable of driving 16:41:50	3 A. Let's go to the more realistic in 16:44:08
4 mice or rats out of the house? 16:41:52	4 Potter's tests and then we're dealing with a larger 16:44:12
5 MR, OSTOJIC: Same objections. 16:41:54	5 space. 16:44:14
6 BY THE WITNESS: 16:42:02	6 Q. We're going to be stuck here all day if 16:44:14
7 A. Only if you have enough repellers to 16:42:02	7 you keep talking about Potter while I'm trying to 16:44:16
8 cover the entire area of the house and keep them 16:42:04	8 talk to you about this test. 16:44:18
9 exposed to the sound. 16:42:06	9 A. It's a hypothetical. It's a 16.44;18
0 BY MR, KOPEL: 16:42:08	10 hypothetical. 16:44:22
The state of the s	
I Q. That's supported by the data from this 16:42:08	many visits we stand the constraint of the const
2 test? 16:42:12	12 supports that. You're a scientist, right? 16:44:24
3 A. It's supported by common sense. The 16:42:14	13 A. As a scientist, I would say that by the 16:44:26
4 test shows that they will repel them. That is the 16:42:18	14 high level of efficacy with all the animals having 16:44:28
5 thing that Bell & Howell claims is it will repel 16:42:24	15 moved as far away as possible, it does support that 16:44:32
6 them. Out of the house is Potter's definition of 16:42:28	16 conclusion. 16:44:34
7 success: 16:42:32	17 Q. What would have happened if the chambers 16:44:34
8 Q. 1 understand that you might disagree 16:42:32	18 were twice the size? 16:44:36
9 with me about what is being claimed, and that's 16:42:34	19 A. I fully believe that you would have seen 16.44:40
0 not you've been on the record stating that, but 16:42:38	20 the same results. 16:44:42
1. I'm asking you a specific question, okay? 16:42:40	21 Q. Do you have evidence of that? 16:44:44
2 Have you seen anything from this test to 16:42:44	22 A. How can I? 16:44:48
3 imply that the repellers are capable of driving 16:42:46	23 Q. What would have happened if this test 16:44:58
THE CONTRACTOR AND AND AND AND AND AND AND AND AND AND	
24 these pests out of the house? 16:42:48 Page 226	24 had gone on for 14 days? 16:45:00 Page 22
10000000000000000000000000000000000000	
MR. OSTOJIC: Same objection and asked and 16:42:50	1 A. I have absolutely no way of knowing. 16:45:02
2 answered, 16:42:50	2 Q. Would the rats that kept going into 16:45:04
3 BY MR. KOPHL: 16:42:50	3 Chamber A to get food, would they have become 16:45:08
4 Q. I'll keep asking. I just need a yes or 16:42:52	4 habituated and evened out between the two chambers? 16:45:10
5 no. 16:42:54	5 A. I have no way of knowing. 16:45:14
6 A. The test only covers four square or a 16;42;54	6 Q. So can you draw any conclusions 16:45:16
8 Larger question on the basis of that small a 16:43:06	8 repellers beyond seven days based on these tests? 16.45;26
9 sample? 16:43:10	9 A. Looking at it, they were still showing 16:45:32
<ol> <li>Q. Does that mean that the data does not 16:43:10</li> </ol>	10 efficacy on the seventh day with all the rats 16:45:34
1 support that statement, or does it, yes, support 16:43:12	11 having been forced in the other chamber. If the 16:45:38
2 that statement? That's my entire question. If the 16:43:14	12 test had gone on, we would have evidence which 16:45:42
3 data is insufficient to support it, your answer 16:43:18	13 would show us whether it persisted, but most other 16:45:44
4 might be no, but I'm looking for a yes or no, and 16:43:20	14 (ests that have been done ran for only one or 16:45:46
g	15 two days to show habituation. 16:45:50
<u>1</u>	
5 Tm happy to let you elaborate, but I've asked you 16:43:22	16 MR, KOPEL: Can you please read back my 16:45:58
5 I'm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now. 16:43:26	16 MR, KOPEL: Can you please read back my 16:45:58
5 Tm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now, 16:43:26 7 MR, OSTOTIC: Same objections, incomplete 16:43:28	17 question? 16:46:00
5 I'm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now, 16:43:26 7 MR, OSTOJIC; Same objections, incomplete 16:43:28 8 hypothetical, but go shead. 16:43:30	17 question? 16:46:00 18 (WHBREUPON, the record was read 16:46:00
5 I'm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now. 16:43:26 7 MR, OSTORC; Same objections, incomplete 16:43:28 8 hypothetical, but go ahead. 16:43:30 9 BY THE WITNESS: 16:43:36	17 question? 16:46:00 18 (WHBREUPON, the record was read 16:46:00 19 us requested.) 16:46:00
5 I'm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now. 16:43:26 7 MR, OSTO/IC: Same objections; incomplete 16:43:28 8 hypothetical, but go ahead. 16:43:36 9 BY THE WITNESS: 16:43:36 00 A. It only shows that it works over the 16:43:36	17 question? 16(46:00 18 (WHEREUPON, the record was read 16:46:00 19 us requested.) 16:46:00 20 BY MR. KOPEL: 16:46:00
5 I'm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now, 16:43:26 7 MR, OSTORIC: Same objections, incomplete 16:43:28 8 hypothetical, but go ahead. 16:43:30 9 BY THE WITNESS: 16:43:36 10 A. It only shows that it works over the 16:43:36 11 distances specified here. 16:43:40	17 question? 16(46:00 18 (WHEREUPON, the record was read 16:46:00 19 us requested.) 16:46:00 20 BY MR. KOPEL: 16:46:00 21 Q. So I appreciate that explanation, and 16:46:00
5 I'm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now. 16:43:26 7 MR, OSTORC: Same objections, incomplete 16:43:28 8 hypothetical, but go ahead. 16:43:30 9 BY THE WITNESS: 16:43:36 10 A. It only shows that it works over the 16:43:40	17 question? 16(46:00 18 (WHEREUPON, the record was read 16:46:00 19 us requested.) 16:46:00 20 BY MR. KOPEL: 16:46:00
15 I'm happy to let you elaborate, but I've asked you 16:43:22 16 a yes or no question several times now. 16:43:26 17 MR. OSTO/IC; Same objections, incomplete 16:43:28 18 hypothetical, but go ahead. 16:43:30 19 BY THE WITNESS: 16:43:36 20 A. It only shows that it works over the 16:43:36 21 distances specified here, 16:43:40	17 question?   16:46:00
5 I'm happy to let you elaborate, but I've asked you 16:43:22 6 a yes or no question several times now. 16:43:26 7 MR, OSTORC: Same objections, incomplete 16:43:28 8 hypothetical, but go shead. 16:43:36 9 BY THE WITNESS: 16:43:36 0 A. It only shows that it works over the 16:43:36 1 distances specified here. 16:43:40 2 BY MR, KOPEL: 16:43:46	17 question? 16:46:00  18 (WHBREUPON, the record was read 16:46:00  19 us requested.) 16:46:00  20 BY MR. KOPEL: 16:46:00  21 Q. So I appreciate that explanation, and 16:46:00  22 Pm always going to let you elaborate on any 16:46:56

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· 1	officiativeness of Bell & Howell test repellers 16(47)04	1	or not repelled but more likely repelled, is that = 26:50:10
. 2	beyond seven days based on the data from those 16:47:06	. 2	entreer? 16:50:12
. 3	tests, and I'm happy to let you elaborate as much = 16:47:50	3	MR. OSTOJIC: Object to form. 16:50:32
. 4	as you like, but it is a yes or no question, 10:47:12	4	BY THE WITNESS: 16:50:16
: 5	please? 16:47:16	5	A. Well, they specifically indicare the 16:50:16
6	A. It's not my habit to speculate without 16:47:16	6	presence in Chamber A or Chamber B, not in the \$6,50,20
7	evidence, and a yes or no answer, J doubt know. 16:47:20	7	sube; therefore, we must assume, if they counted 16.50;22
8	Q. Is it possible that the mice and rate 16:47:28	8	them, they were in Chamber A or Chamber B. 16:50,28
9	might have become habituated to the sound in week 16:47(32)	9	RY MR. KOPEL: 16:50:42
10	two? 16:47:36	10	Q. Would you please take a quick look back 16:50:42
11	AL 1 would say 16:47:36	Ш	to Exhibit 12? That's the 2016 test we were 16:50:50
12	MIC OSTOJIC: Object to form and foundation, 16:47:38	12	looking at earlier. 16:50:58
13	bet go ahead 16:47:40	1.3	A. Page? 16:51:02
	BY THE WITNESS: 16:47:40	14	Q. Page 92 yes, page 92 I believe is 16:51:04
1.5	A. I would say certainly over time I would 16:47:40	15	,
16	expect there to habituate in an entities of environment 16:47:42	16	A. 1 ersly go up to 69. 16:51:10
17	where they cannot escape that sound. 16:47.46	17	Q. In Exhibit 12? 16:51:12
18	BY MR. KOPEL: 16:47:48	31	A. Ob. 12. 16:53:14
19	Q. Do you contend that the mice and rats 16:47:48	19	Q. No. 14, I'm sorry, the 2016 test right   16:53:22
20	were able to hear the – or detect the ultrasound 16:47:50	1	there. 16:31:26
21		21	
		1	MR. OSTOJIC: What page number? 16:51:26
22		22	BY MR. KOPBL: 16:51:26
23	contain they were hearing it, but they were staying 16:48:02	23	Q. Page number 92. 16:51:28
24	away. 16-48:04 Pugo 230	24	A. Okuy. 16:51:42 Page 232
		ļ <u>.</u>	
. 1	Q. Even though there was a curved tunnel? 15:48:06	1	Q. You're on page 92? 16:51:44
· 1	Q. Even though there was a curved tunnel? 15:48:06 A. Yeah, Plexiglas caused the sound to 16:48:08	1 2	
: 2	· -	:	
: 2	A. Yeah, Plexiglas caused the sound to 16:48:08	. 2	A. Jam. 16:51:44
3 4	A. Yeah, Plexiglas caused the sound to 16:48:08 hand, It's a hard sorface. Ultrasound, even if ii 16:48:12	. 2	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46
3 4	A. Yeah. Plexiglas caused the sound to 16:48:08 hend. It's a bord sorface. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:48:18	· 2 3 4	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46
3 4 5	A. Yeah. Plexiglas caused the sound to 16:48:08 heard, U's a hord sorface. Ultrasound, even if ii 16:48:12 wasn't aimed directly at it, would become through 16:46:18 it. 16:48:20	2 3 4 5	A. I am. 16:51:44  Q. Do you see at the bottom it says, 16:51:46  "Remark, the quantity of the minuel is counted as 16:51:46  Chamber BY" 16:51:50
2 3 4 5 6	A. Yeah. Plexiglas caused the sound to 16:48:08 hand, It's a bord sortace. Ultrasound, even if it 16:48:12 wasn't aimed directly at it, would become through 16:48:18 it. 16:48:20 Q. If mice or rats were fruid in the 16:48:24	2 3 4 5 6	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the namel is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not stipulated for 2010 — excase me, 2011 or 16:51:54
3 4 5 6	A. Yeah. Plexiglas caused the sound to 16:48:08 hand. It's a band sorface. Ultrasound, even if it 16:48:12 wasn't aimed directly at it, would become through 16:48:18 it. 16:48:20  Q. If mice or rats were found in the 16:48:24 tunnel, which side was that counted as? 16:48:26	2 3 4 5 6 7 8	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:53:50  was not stipulated for 2010 – excase me, 2013 or 16:51:54
2 3 4 5 6 7 8	A. Yeah. Plexiglas caused the sound to 16:48:08 hend, It's a hord sortace. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:46:18 it. 16:48:20 Q. If mice or rats were fruind in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. Thave no reconsection. 16:48:32	2 3 4 5 6 7 8	A. I am. 16:51:44  Q. Do you see at the bottom it says, 16:51:46  "Remark, the quantity of the manel is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:53:50  was not stipulated for 2010 – excuse me, 2011 or 16:51:54  2014, and they probably had to count it in this one 16:51:58
2 3 4 5 6 7 8	A. Yeah. Plexiglas caused the sound to 16:48:08 hend. It's a hord sortace. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:46:18 it. 16:48:20 Q. If mice or rats were fruind in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. Thave no recollection. 16:48:32 Q. Well, you have the test in front of you, 16:48:34	3 4 5 6 7 8 9	A. I am. 16:51:44  Q. Do you see at the bottom it says, 16:51:46  "Remark, the quantity of the minel is counted as 16:51:46  Chamber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not stipulated for 2010 – excuse me, 2010 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they had so many rats or mice that some of 16:52:02
2 3 4 5 6 7 8 9	A. Yeah. Plexiglas caused the sound to 16:48:08 hend, It's a bord sorface. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:48:18 it. 16:48:20 Q. If mice or rats were fruind in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. There no recollection. 16:48:32 Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36	3 4 5 6 7 8 9	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not stipulated for 2010 – excuse me, 2011 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they had so many rats or mice that some of 16:52:02  them were always in theirs to avoid the presence of 16:52:04
2 3 4 5 6 7 8 9 10 11	A. Yeah. Plexiglas caused the sound to 16:48:08 hend. It's a band sorface. Ultrasound, even if it 16:48:12 wasn't aimed directly at it, would become through 16:48:18 it. 16:48:20 Q. If mice or rats were found in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. There no reconcection. 16:48:32 Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36 A. What page again? 16:48:40	2 3 4 5 6 7 8 9 10	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:53:50  was not stipulated for 2010 – excase me, 2013 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they bad so many rats or mice that some of 16:52:02  from wore always in there to avoid the presence of 16:52:04  others. 16:52:06
2 3 4 5 6 7 8 9 10 11	A. Yeah. Plexiglas caused the sound to 16:48:08 hend. It's a hord sortace. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:46:18 it. 16:48:20 Q. If mice or rats were fruind in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. Thave no recollection. 16:48:32 Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36 A. What page again? 16:48:40 WR. OSTORIC: Go through the whole thing. 16:48:46	2 3 4 5 6 7 8 9 10	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:53:50  was not stipulated for 2010 – excase me, 2013 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they had so many rats or mice that some of 16:52:02  them were always in there to avoid the presence of 16:52:04  others. 16:52:06  Q. If the quantity of the tunnel was 16:52:08
2 3 4 5 6 7 8 9 10 11 12 13	A. Yeah. Plexiglas caused the sound to 16:48:08 hend, It's a hord sortace. Ultrasound, even if it 16:48:12 wasn't aimed directly at it, would become through 16:48:18 it. 16:48:20 Q. If mice or rats were found in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. There no recollection. 16:48:32 Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36 A. What page again? 16:48:46 WR. OSTOJIC: Go through the whole thing. 16:48:46 BY MR. KOPBL: 16:48:46	2 3 4 5 6 7 8 9 10	A. I am. 16:51:44  Q. Do you see at the bottom it says, 16:51:46  "Remark, the quantity of the manel is counted as 16:51:46  Chamber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not supulated for 2010 – excuse me, 2010 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they had so many rats or mice that some of 16:52:02  them were always in there to avoid the presence of 16:52:04  others. 16:52:06  Q. If the quantity of the turnel was 16:52:08  counted as Chamber B, would that he appropriate? 16:52:16
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yeah. Plexiglas caused the sound to 16:48:08 hend, It's a bord sorface. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:48:18 it. 16:48:20 Q. If mice or rats were fruind in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. Thave no recollection. 16:48:32 Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36 A. What page again? 16:48:46 What page again? 16:48:46 BY MR. KOPRI.; 16:48:46 Q. It starts on page 55. 16:48:48	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not stipulated for 2010 – excuse me, 2011 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they had so many rats or mice that some of 16:52:02  tacm were always in there to avoid the presence of 16:52:04  others. 16:52:06  Q. If the quantity of the tunnel was 16:52:08  counted as Chamber B, would that he appropriate? 16:52:16  MR. OSTORIC: Object to form, foundation, but 16:52:18  go ahead. 16:52:22
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yeah. Plexiglas crossed the sound to 16:48:08 hend. It's a band sorface. Ultrasound, even if it 16:48:12 wasn't aimed directly at it, would become through 16:48:18 it. 16:48:20  Q. If mice or rats were found in the 16:48:24 tunnel, which side was that counted as? 16:48:26  A. Thave no recoñection. 16:48:32  Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36  A. What page again? 16:48:36  A. What page again? 16:48:46 BY MR. COSTOJIC: Go through the whole thing. 16:48:46 BY MR. KOPEL: 16:48:46  Q. It starts on page 55. 16:48:48  A. It doesn't state. Page SN doesn't state 16:49:30 anything other than if they were in Chamber B or in 16:49:40 Chamber A. it doesn't state what they did with 16:49:44 ones in between if there were ones in between. 16:49:50  Q. Well, they most have been counted one 16:49:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:53:50 was not stipulated for 2010 – excuse me, 2013 or 16:51:54  2014, and they probably had to count it in this one 16:51:58 because they had so many rats or mice that some of 16:52:02 tacm were always in their to avoid the presence of 16:52:04 others. 16:52:06  Q. If the quantity of the tunnel was 16:52:08 counted as Chamber B, would that he appropriate? 16:52:16 MR. OSTORIC: Object to form, foundation, but 16:52:18 go ahead. 16:52:22  BY TSIE WITNESS: (6:52:22  A. We have no indications that it was in 16:52:22  2011 or '14. 16:52:24  BY MR. KOPEL: 16:52:26
2 3 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yeah. Plexiglas crossed the sound to 16:48:08 hend, It's a bord sorface. Ultrasound, even if it 16:48:12 wasn't aimed directly at it, would become through 16:48:18 it. 16:48:20 Q. If mice or rats were found in the 16:48:24 tunnel, which side was that counted as? 16:48:26 A. There no recoffection. 16:48:32 Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36 A. What page again? 16:48:36 A. What page again? 16:48:46 BY MR. KOPEL; 16:48:46 Q. It starts on page 55. 16:48:48 A. It doesn't state. Page SN doesn't state 16:49:30 anything other than if they were in Chambez B or in 16:49:40 Chombes A. it doesn't state what they did with 16:49:44 ones in between if there were ones in between. 16:49:50 Q. Well, they most have been counted one 16:49:54 way or the other because we always equal ten on 16:49:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I am. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chamber B?" 16:51:50  A. That only applies to this 2016 test. It 16:53:50  was not stipulated for 2010 – excase me, 2013 or 16:51:54  2014, and they probably had to count it in this one 16:51:58 because they had so many rats or mice that some of 16:52:02 them were always in there to avoid the presence of 16:52:04 others. 16:52:06  Q. If the quantity of the tunnel was 16:52:08 counted as Chamber B, would that he appropriate? 16:52:16 MR. OSTOJIC: Object to form, foundation, but 16:52:18 go ahead. 16:52:22  BY TRIE WITNESS: (6:52:22  A. We have no indications had it was in 16:52:24  BY MR. KOPEL: 16:52:26  Q. Okay. Did you hear — my question was 16:52:26
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yeah. Plexiglas caused the sound to 16:48:08 hand, It's a bord sorface. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:48:18 it. 16:48:20  Q. If mice or rats were fruind in the 16:48:24 tunnel, which side was that counted as? 16:48:26  A. Thave no recoñection. 16:48:32  Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36  A. What page again? 16:48:36  A. What page again? 16:48:46  BY MR. KOPEL; 16:48:46  Q. It scarts on page 55. 16:48:48  A. It doesn't state. Page 58 doesn't state 16:49:30 anything other than if they were in Chambez B or in 16:49:40 Chambes A. it doesn't state what they did with 16:49:44 ones in between if there were ones in between. 16:49:50  Q. Well, they must have been counted one 16:49:54 easy of the other because we always equal ten un 16:49:56 every single day, is that correct? 16:50:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Fam. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chamber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not stipulated for 2010 – excuse me, 2011 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they had so many rats or mice that some of 16:52:02  them were always in there to avoid the presence of 16:52:04  others. 16:52:06  Q. If the quantity of the tunnel was 16:52:08  counted as Chamber B, would that he appropriate? 16:52:16  MR. OSTORIC: Object to form, foundation, but 16:52:18  go ahead. 16:52:22  BY TRIE WITNESS: (6:52:22  A. We have no indications had it was in 16:52:22  2011 or 14. 16:52:24  BY MR. KOPEL: 16:52:26  Q. Okay. Did you hear — my question was 16:52:28  would that be appropriate to do so? They did so in 16:52:28
2 3 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. Plexiglas caused the sound to 16:48:08 hand, It's a band sorface. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:48:18 it. 16:48:20  Q. If mice or rats were thand in the 16:48:24 tunnel, which side was that counted as? 16:48:26  A. Thave no recoßection. 16:48:32  Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36  A. What page again? 16:48:46  MR. OSTOJIC: Go through the whole thing. 16:48:46 BY MR. KOPRL: 16:48:46  Q. It starts on page 55. 16:48:48  A. It doesn't state. Page 58 doesn't state 16:49:30 anything other than if they were in Chamber B or in 16:49:40 Chamber A. it doesn't state what they did with 16:49:44 ones in between if there were ones in between. 16:49:50  Q. Well, they most have been counted one 16:49:54 way of the other because we always equal ten on 16:49:56 every single day, is that corneat? 16:50:00  A. Well, that would imply that those were 16:90:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Fam. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chamber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not stipulated for 2010 – excuse me, 2011 or 16:51:54  2014, and they probably has? to count it in this one 16:51:58  because they had so many rats or mire that some of 16:52:02  them were always in their to avoid the presence of 16:52:04  others. 16:52:06  Q. If the quantity of the tunnel was 16:52:08  counted as Chamber B, would that he appropriate? 16:52:16  MR. OSTOBIC: Object to form, foundation, but 16:52:18  go ahead. 16:52:22  BY THE WITNESS: (6:52:22  A. We have no indications had it was in 16:52:22  2011 or 14. 16:52:24  BY MR. KOPEL: 16:52:26  Q. Okay. Did you heat — my question was 16:52:26  would that be appropriate to do so? They did so in 16:52:28  2016, cerreet? 16:52:30
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yeah. Plexiglas caused the sound to 16:48:08 hand, It's a band sorface. Ultrasound, even if it 16:48:12 wasn't aimed directly at it, would become through 16:48:18 it. 16:48:20  Q. If mice or rats were found in the 16:48:24 tunnel, which side was that counted as? 16:48:26  A. There no recoñection. 16:48:32  Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36  A. What page again? 16:48:36  A. What page again? 16:48:46 BY MR. KOPEL; 16:48:46  Q. It starts on page 55. 16:48:48  A. It doesn't state. Page SN doesn't state 16:49:30 anything other than if they were in Chamber B or in 16:49:40 Chamber A. it doesn't state what they did with 16:49:44 ones in between if there were ones in between. 16:49:50  Q. Well, they must have been counted one 16:49:54 way or the other because we always equal ten on 16:49:56 every single day, is fluit cornect? 16:50:00  A. Well, that would imply that there were 16:50:02 an rats in the connecting rube. 16:50:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Fam. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chumber B?" 16:51:50  A. That only applies to this 2016 test. It 16:53:50  was not stipulated for 2010 — excuse me, 2011 or 16:51:54  2014, and they probably had to count it in this one 16:51:58  because they had so many rats or mice that some of 16:52:02  them were always in their to avoid the presence of 16:52:04  others. 16:52:06  Q. If the quantity of the time! was 16:52:08  counted as Chamber B, would that he appropriate? 16:52:16  MR. OSTORIC: Object to form, foundation, but 16:52:18  go ahead. 16:52:22  BY TRIE WITNESS: (6:52:22  A. We have no indications had it was in 16:52:22  2011 or '14. 16:52:24  BY MR. KOPEL: 16:52:26  Q. Okay. Did you hear — by question was 16:52:28  2016, certeet? 16:52:30  A. They did. 16:52:32
2 3 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. Plexiglas caused the sound to 16:48:08 hand, It's a band sorface. Ultrasound, even if it 16:48:12 wasn't simed directly at it, would become through 16:48:18 it. 16:48:20  Q. If mice or rats were thand in the 16:48:24 tunnel, which side was that counted as? 16:48:26  A. Thave no recoßection. 16:48:32  Q. Well, you have the test in front of you, 16:48:34 right? 16:48:36  A. What page again? 16:48:46  MR. OSTOJIC: Go through the whole thing. 16:48:46 BY MR. KOPRL: 16:48:46  Q. It starts on page 55. 16:48:48  A. It doesn't state. Page 58 doesn't state 16:49:30 anything other than if they were in Chamber B or in 16:49:40 Chamber A. it doesn't state what they did with 16:49:44 ones in between if there were ones in between. 16:49:50  Q. Well, they most have been counted one 16:49:54 way of the other because we always equal ten on 16:49:56 every single day, is that corneat? 16:50:00  A. Well, that would imply that those were 16:90:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Fam. 16:51:44  Q. Do you see at the bortom it says, 16:51:46  "Remark, the quantity of the name! is counted as 16:51:46  Chamber B?" 16:51:50  A. That only applies to this 2016 test. It 16:55:50  was not stipulated for 2010 – excuse me, 2011 or 16:51:54  2014, and they probably has? to count it in this one 16:51:58  because they had so many rats or mire that some of 16:52:02  them were always in their to avoid the presence of 16:52:04  others. 16:52:06  Q. If the quantity of the tunnel was 16:52:08  counted as Chamber B, would that he appropriate? 16:52:16  MR. OSTOBIC: Object to form, foundation, but 16:52:18  go ahead. 16:52:22  BY THE WITNESS: (6:52:22  A. We have no indications had it was in 16:52:22  2011 or 14. 16:52:24  BY MR. KOPEL: 16:52:26  Q. Okay. Did you heat — my question was 16:52:26  would that be appropriate to do so? They did so in 16:52:28  2016, cerreet? 16:52:30

and the state of t	
1 A. Different test group. The tunnel itself 16:52:34	1 that he proper? 16:55.44
2 should be considered the tunnel. 16:52:40	<ol> <li>A. They did that in the 2016. There is no 16:55:50</li> </ol>
<ol> <li>Q. Should it be considered Chamber B? 16:52:42</li> </ol>	3 indication they ever did that in 2011 or 2014. It: 16:55:54
<ol> <li>A. It shouldn't be considered Chamber B any 16:52:46</li> </ol>	4 would not be proper. 16:55:58
5 more than the hallways in the Potter studies should 16:52:48	<ol> <li>Q. Do you know that they didn't do that in 16:56:06</li> </ol>
6 be considered the front room. 16:52:52	6 2011, 2014? 16:56:08
7 Q. Is that a no, it should not be 16:52:54	7 A: They would have had to mention it if 16:56:10
8 considered Chamber B? 16;52:56	8 they replaced an animal. They mentioned the deaths 16:56:12
9 A. Yes, 16:52;58	9 of there in 2016. Porter was all over it. 16:56:16
0 Q. Okay, And it shouldn't be 16;53:00	10 Q. Okay. Please take a look at the 2016 16.56:24
1 considered - okay. And this test was done by 16:53:02	11 rest and rell me where they mention the death? 16:56;28
2 Intertek, you see that, right? 16:53:06	12 A. Actually, it's Potter who mentioned it, 16:56:32
3 A. 17h-huh. 16:53:08	13 complained that there was death and replacement of 16:56:34
4 Q. And that's the same company that did 16:53:08	14 rats in the 2016 test. 16:56:36
5 this other test we're looking at, correct? 16:53:10	15 Q. Okay. My question was can you please 16:56:38
6 A. But since it doesn't specify what they 16:53:14	16 identify you just said that they mentioned death 16:56:40
7 did, we don't know. 16:53:14	17 in the 2016 test, so I'm asking can you please 16:56:44
8 Q. You don't know 16:53:16	18 identify where it says that? 16:56:48
9 A. The rules got changed in 2016 when they 16:53:18	19 A. I'm not sure Intertek mentioned it. 16:56:48
0 stuffed more in, and it was different people 16:53:20	20 MR, OSTOJIC: If you want to go through it, 16:56:50
1 cunning the tests, was it not? Well, I guess it's 16:53:26	21 the question is — he wants you to find it. 1 16:56:52
2 still Leo Lin and Sam Lin. 16:53:30	22 think it's Exhibit 14. 16:56:58
	23 BY THE WIINESS: 16:57:30
DO ASID RESERVACIONALISMENTALISMENTALISMENT DE L'ORGANIZATION	
4 A. Okuy. 16:53:32 Page 23	AVA 11 10 10 10 10 10 10 10 10 10 10 10 10
Q. But you don't know, they might have 16:53:34	1 MR, OSTOJIC: It does 16:57:34
2 counted it as Chamber B; you just don't know, 16:53:36	2 THE WITNESS: Pardon? 16:57:34
3 correct? 16:53:40	3 BY MR. KOPEL: 16:57:34
4 A. Yes, I'm sorry. 16:53:42	4 Q. in 2016. 16:57:36
5 Q. Thut's fine. How many mice or rats died 16:53:44	5 MR. KOPEL: Please don't communicate with the 16:57:46
6 during the course of this 2014 testing? 16:53:52	6 witness right now. 16:57:42
7 A. During the 2014 testing? 16:53:56	7 MR. OSTOJIC: Go through the entire Exhibit 16:57:46
Q. It's not a memory test. You can look at 16:54:02	8 I know it's late and we've been here hours. 16:57:48
9 it. 16:54:06	9 BY THE WITNESS: 16.57:54
Kenney Ramer Resident Company of the	
<ol> <li>A. 2014, that's this one. Can you give 16:54:06</li> </ol>	10 A. Okay. They start with 20 rats 16:57:54
	10 A. Okay. They start with 20 rats 16:57:54  11 and – okay. During preliminary testing they're 16:57:56
1 me a 2014 test is 13? 16:54:18	
1 mc a 2014 test is 13? 16:54:18 2 Q. Yes, this was 13, and I'm it began 16:54:28	<ul> <li>11 and - okay. During preliminary testing they're 16:57:56</li> <li>12 down to 18 ruts, so, yes, they did, and then 16. 16:58:00</li> </ul>
1 mc a 2014 test is 13? 16:54:18 2 Q. Yes, this was 13, and 1'm it began 16:54:28 3 MR, OSTOJIC: 1 think it was from 55. 16:54:36	<ul> <li>and – okey. During preliminary testing they're 16:57:56</li> <li>down to 18 ruts, so, yes, they did, and then 16. 16:58:00</li> <li>Somehow they must have added rats in there because 16:58:0</li> </ul>
1 me a 2014 test is 13? 16:54:18 2 Q. Yes, this was 13, and I'm it began 16:54:28 3 MR. OSTOJIC: 1 think it was from 55. 16:54:36 4 BY MR. KOPEL: 16:54:36	<ul> <li>and – okay. During preliminary testing they're 16:57:56</li> <li>down to 18 ruts, so, yes, they did, and then 16. 16:58:00</li> <li>Somehow they must have added rats in there because 16:58:0</li> <li>now you're up to 19 and 20, 20, 19. So, yes, if 1 16:58:08</li> </ul>
1 me a 2014 test is 13? 16:54:18 2 Q. Yes, this was 13, and 1 m it began 16:54:28 3 MR. OSTOJIC: 1 think it was from 55. 16:54:36 4 BY MR. KOPEL: 16:54:36 5 Q. 55 and onward, 16:54:40	<ul> <li>and - oksy. During preliminary testing they're 16:57:56</li> <li>down to 18 ruts, so, yes, they did, and then 16. 16:58:00</li> <li>Somehow they must have added rats in there because 16:58:00</li> <li>now you're up to 19 and 20, 20, 19. So, yes, if 1 16:58:08</li> <li>recall correctly, five to seven rats died in it. 16:58:14</li> </ul>
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1 me a 2014 test is 13?  Q. Yes, this was 13, and 1 m it began 16:54:28  MR. OSTOJIC: 1 think it was from 55. 16:54:36  BY MR. KOPEL: 16:54:36  D. S5 and onward. 16:54:40  A. Okay. Since we start with rea rats and 16:54:42  on post testing we still have seven and three and 16:55:14  eight and four, it would appear that none of them 16:55:18  onuld have died, but there must be oh, wait, 16:55:24	11 and — oksy. During preliminary testing they're 16:57:56 12 down to 18 ruts, so, yes, they did, and then 16. 16:58:00 13 Somehow they must have added rats in there because 16:58:0 14 now you're up to 19 and 20, 20, 19. So, yes, if 1 16:58:08 15 recall correctly, five to seven rats died in it. 16:58:14 16 MR. OSTOJIC: Look at the entire Exhibit. 16:58:18 17 Review the entire Exhibit. He wants you to go 16:58:22 18 through the Exhibit. 16:58:24 19 BY THE WITNESS: 16:58:52
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1 me a 2014 test is 13?  Q. Yes, this was 13, and 1'm it began 16:54:28  MR. OSTOHC: 1 think it was from 55. 16:54:36  BY MR. KOPEL: 16:54:36  Q. 55 and onward. 16:54:40  A. Okay. Since we start with ten rats and 16:54:42  on post testing we still have seven and three and 16:55:14  eight and four, it would appear that none of them 16:55:18  oculd have died, but there must be oh, wait, 16:55:24  oxense me, that's six and four for the final post 16:55:28  testing day, so you still have ten rats on the 16:55:32  final day which means no rats died in that test. 16:55:34	11 and — oksy. During preliminary testing they're 16:57:56 12 down to 18 ruts, so, yes, they did, and then 16. 16:58:00 13 Somehow they must have added rats in there because 16:58:0 14 now you're up to 19 and 20, 20, 19. So, yes, if 1—16:58:08 15 recall correctly, five to seven rats died in it. 16:58:14 16 MR. OSTOJIC: Look at the entire Exhibit. 16:58:18 17 Review the entire Exhibit. He wants you to go 16:58:22 18 through the Exhibit. 16:58:52 20 A. I'm not sure where you're looking or 16:58:52 21 what you're driving at. 16:58:58 22 BY MR. KOPEL: 16:58:58
1 me a 2014 test is 137 16:54:18 2 Q. Yes, this was 13, and 1'm it began 16:54:28 3 MR. OSTOHC: 1 think it was from 55. 16:54:36 4 BY MR. KOPEL: 16:54:36 5 Q. 55 and onward. 16:54:40 6 A. Okay. Since we start with ten rats and 16:54:42 7 on post testing we still have seven and three and 16:55:14 8 eight and four, it would appear that none of them 16:55:18 9 could have died, but there must be oh, wait, 16:55:24 10 exense me, that's six and four for the final post 16:55:28 11 testing day, so you still have ten rats on the 16:55:32	11 and — oksy. During preliminary testing they're 16:57:56 12 down to 18 ruts, so, yes, they did, and then 16. 16:58:00 13 Somehow they must have added rats in there because 16:58:0 14 now you're up to 19 and 20, 20, 19. So, yes, if 1 16:58:08 15 recall correctly, five to seven rats died in it. 16:58:14 16 MR. OSTOJIC: Look at the entire Exhibit. 16:58:18 17 Review the entire Exhibit. He wants you to go 16:58:22 18 through the Exhibit. 16:58:24 19 BY THE WITNESS: 16:58:52 20 A. I'm not sure where you're looking or 16:58:52 21 what you're driving at. 16:58:58

1	mice and the cars died. Do you recall saying that? 16:59:06	J	MR. OSTOJIC: Object to form, foundation. 17:03:02
2	A. Well, it cortainly shows the decrease in 16:39:12	2	BY THE WITNESS: 17:03:10
3	total jumbars, and since we're dealing with 16:59:14	3	A. I guess that's true. 17:03:10
4	Plexiglas, it's a little hard to figure out where 16:59:18	4	BY MR. KOPEL: 17:03:12
5	they disappeared. 16:59:20	5	Q. Does that make you question the 27:03:12
b	Q. Right. So it's apparent from the 16:59:22	6	quažifications of Lee and Sam Lin? 17:03:12
7	numbers. Do you see any notes discussing how many 16:59:24	7	A. On the hasis of supposition that they're 17:03:20
	died? 16:59:26	8	(not putting in information? 17:03:24
9	MR, OSTORIC: Objection. The document speaks 16:59:26	9	Q. No. So maybe P3 clarify. Does the 17:03:26
	for itself, but GO through the entirety of the 16:59:28	50	
	document, especially – 16:59:32	31	·
2	MR. KOPEE: Don't please don't do that. 16:59:34		to performing these kinds of lests? 17.03:36
3	MR. OSTORIC: It's without purpose, Tr's 16:59:40	13	A. They did it out of desperation trying to 17:03:38
	there. 17:00:10	l	keep the test valid which of course we've stready 17:03:42
		l	said it wasn't. 17:03:46
		16	O. Okay. Do you believe that a qualified 17:03:48
б	Q. The question positing, just as a 17:01:38	l	
7	reminder, is con you please show me where in the 17:01:40		-
8	20% report there is a notation that dead rate were 17:01:42	18	,
9	f(quid or mice)? 17:01:48	19	Intertek decided they needed – whether Diane 17:04:02
O	A. The not finding that notation anywhere. 17:01:52	20	Fourtstein said we need to have more rats in here 17.04(08)
1	The variation in numbers confounds me 17:01:56		or more mice in here. We don't know the source of 17:04:10
2	Q. The variation in numbers seems to imply 17:01:58	22	ii. J7;04.14
3	that mice and rats had died in the middle of the 17:02:02	23	Q. If Ms. Foucistein said that to you, 17:04:14
4	experiment and then were subsequently replaced. 17:02:04	24	wordd ynn do if? 17:04:16
	Page 238	:	Page 2-
1	Wordd you agree with that? 17:02:08	1	A. Would I, ao. 17:94:16
2	A. It would imply that, 17,02:10	2	Q. Would any qualified scientist do that? 17:04:38
	• •		
3.	O. Okay, Do you have any - 17:02:12	3	MR, OSTOJIC: Object to form, foundation, but 17:04:20
	Also accompanies of the second	l	MR. OSTOJIC: Object to ferm, foundation, but 17:04:20 gcrahead and answer. 17:04:22
4	A. And Dr. Potter stipulated the same thing 17:02:36	3	go shead and answer. 17:04:22
4	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18	3 4 3	go ahead and answer: 17:04:22 BY THE WITNESS: 17:04:22
4 5 6	A. And Dr. Potter stipulated the same thing $17:02:36$ about this, that there were rats replaced during $17:02:18$ the study. $17:02:22$	3 4 3 6	go shead and answer. 17:04:22  BY THE WITNESS: 17:04:22  A. A serupulous scientist would not, but 17:04:22
4 5 6 7	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22  Q. Do you have any indication whether the 17:02:24	3 4 3 6 7	go shead and answer. 17:04:22  BY THE WITNESS: 17:04:22  A. A scruppious scientist would not, but 17:04:22  we're looking at a test that was flawed to begin: 17:04:26
4 5 6 7 8	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22  Q. Do you have any indication whether the 17:02:24 same thing occurred do you have any indication 17:02:30	3 4 3 6 7	go shead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scrupplous scientist would not, but 17:04:22  we're looking at a test that was flawed to begin 17:04:25  with. 17:04:32
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4 5 6 7 8 9	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22  Q. Do you have any indication whether the 17:02:34 same thing occurred do you have any indication 17:02:30 that the same thing did not occur in the 2014 test? 17:02:32  MR. OSTOJIC: Objection, already asked and 17:02:34 answered. 17:02:36	3 4 3 6 7 8 9	go shead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scrupplous scientist would not, but 17:04:22  we're looking at a test that was flawed to begin 17:04:28  with 17:04:32  BY MR. KOPEL: 17:04:32  Q. So would you agare that first rends to 17:04:32  show that Leo and Sam Lin were not scrupulous 37:04:34
4 5 6 7 8 9 10 11	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22  Q. Do you have any indication whether the 17:02:30 that the same thing occurred do you have any indication 17:02:30 that the same thing did not occur in the 2014 test? 17:02:32  MR. OSTORC: Objection, pleady asked and 17:02:34 answered. 17:02:36  BY THE WITNESS: 17:02:38	3 4 5 6 7 8 10 11	go ahead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scrupplous scientist would not, but 17:04:22  we're looking at a test that was flawed to begin 17:04:25  with. 17:04:32  BY MR. KOPEL: 17:04:32  BY MR. KOPEL: 17:04:32  Q. So would you agree that finis rends to 17:04:32  show that I so and Sam Lin were not scrupulous 37:04:34  scientists? 17:04:38
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4 5 6 7 8 9 9 11 12 13	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22  Q. Do you have any indication whether the 17:02:24 same thing occurred do you have any indication 17:02:30 that the same thing did not occur in the 20.14 test? 17:02:32 MR. OSTORC: Objection, stready asked and 17:02:34 answered. 17:02:36 BY THE WITNESS: 17:02:38  A. There is no indication of fluctuation in 17:02:38 the outpilers. Everyday's rat rotal adds to ten. 17:02:40	3 4 5 6 6 7 8 9 10 11 12 13 14	go shead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scrupplous scientist woeld not, but 17:04:22  we're looking at a test that was flawed to begin 27:04:28  with 17:04:32  BY MR. KOPEL: 17:04:32  BY MR. KOPEL: 17:04:32  show that I eo and Sam Lin were not scrupplous 37:04:34  scientists? 17:04:38  MR. OSTOJIC: Object, form, foundation, 17:04:38  mischaracterizes his testmony. 17:04:40
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4 5 6 7 8 9 0 1 2 D 4 5 16	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22  Q. Do you have any indication whether the 17:02:30 that the same thing occurred — de you have any indication 17:02:30 that the same thing did not occur in the 2014 test? 17:02:32  MR. OSTOJIC: Objection, already asked and 17:02:34 answered. 17:02:36  BY THE WITNESS: 17:02:38  A. There is no indication of fluctuation in 17:02:38 the outpiliers. Everyday's rat total adds to ten. 17:02:40  BY MR. KOPEL: 17:02:46	3 4 5 6 7 8 9 10 11 12 13 14 15	go shead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scruppelous scientist woeld not, but 17:04:22  we're looking at a test that was flawed to begin: 17:04:25  with. 17:04:32  BY MR. KOPEL: 17:04:32  BY MR. KOPEL: 17:04:32  show that I go and Sam Lin were not scrupulous 37:04:34  scientists? 17:04:38  MR. OSTOJIC: Object, form, foundation, 17:04:38  mischaracterizes his testmony. 17:04:40  BY THE WITNESS: 17:04:44  A. Yeah, I don't have enough data to 17:04:44  support that. It's not my nature to accuse onybody 17:04:46
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4 5 6 7 8 9 00 112 13 14 15 16 17 18 19 20	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22  Q. Do you have any indication whether the 17:02:30 that the same thing occarred — do you have any indication 17:02:30 that the same thing did not occur in the 2014 test? 17:02:32  MR. OSTOJIC: Objection, already asked and 17:02:34 answered. 17:02:36  BY THE WITNESS: 17:02:38  A. There is no indication of fluctuation in 17:02:38 the outpithers. Everyday's rat total adds to ten. 17:02:46  BY MR. KOPEL: 17:02:46  Q. Would there need to be, or could facy 17:02:48 were not counted? 17:02:52  MR. OSTOJIC: Object to form, Foundation. 17:02:52	3 4 5 6 7 8 10 11 12 13 14 15 16 17 18 19	go shead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scruppilous scientist would not, but 17:04:22  we're looking at a test that was flawed to begin: 17:04:25  with. 17:04:32  BY MR. KOPEL: 17:04:32  BY MR. KOPEL: 17:04:32  Show that I go and Sam Lin were not scruppilous 37:04:34  scientists? 17:04:38  MR. OSTORC: Object, form, foundation, 17:04:38  mischaracterizes his testmony. 17:04:40  BY THE WITNESS: 17:04:44  A. Yeah, I don't have enough data to 17:04:44  support that. It's not my nature to accuse onybody 17:04:46  of misdeed or judge on their - on supposition of 17:04:54  misdeeds whether they are conscientions enough 17:04:58  about their work to carry out a simple count. 17:05:04
4 5 6 7 8 9 0 11 12 13 14 15 17 18 19 20 21	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22 Q. Do you have any indication whether the 17:02:30 that the same thing did not occur in the 2014 test? 17:02:32 MR. OSTOJIC: Objection, already asked and 17:02:34 answered. 17:02:36 BY THE WITNESS: 17:02:38 A. There is no indication of fluctuation in 17:02:38 the outphers. Everyday's rat total adds to ten. 17:02:40 BY MR. KOPEL: 17:02:46 Q. Whuld there need to be, or could they 17:02:48 were not counted? 17:02:52 MR. OSTOJIC: Object to form, foundation. 17:02:52 BY THE WITNESS: 17:02:52 BY THE WITNESS: 17:02:56	3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	go shead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scruppelous scientist would not, but 17:04:22  we're looking at a test that was flawed to begin 17:04:25  with 17:04:32  BY MR. KOPEL: 17:04:32  BY MR. KOPEL: 17:04:32  Q. Se would you agree that finis rends to 17:04:32  show that I go and Sam Lin were not scrupulous 37:04:34  scientists? 17:04:38  MR. OSTOJIC: Object, form, foundation, 17:04:38  mischaracterizes his testmony. 17:04:40  BY THE WITNESS: 17:04:44  A. Yeah, I don't have enough data to 17:04:44  support that. It's not my nature to accuse onybody 17:04:46  of misdeed or judge on their - on supposition of 17:04:54  mischeeds whether they are conscientions enough 17:04:58  about facil work to carry out a simple count. 17:05:04
4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. And Dr. Potter stipulated the same thing 17:02:36 about this, that there were rats replaced during 17:02:18 the study. 17:02:22 Q. Do you have any indication whether the 17:02:30 that the same thing did not occur in the 2014 test? 17:02:30 that the same thing did not occur in the 2014 test? 17:02:34 answered. 17:02:36 BY THE WITNESS: 17:02:38 A. There is no indication of fluctuation in 17:02:38 the bumblers. Everyday's rat total adds to ten. 17:02:46 BY MR. KOPEL: 17:02:46 Q. Would there need to be, or could facy 17:02:48 were not counted? 17:02:52 MR. OSTORIC: Object to form, foundation. 17:02:52 BY THE WITNESS: 17:02:56 A. That would be price speculation since 17:02:56	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 21 22	go shead and answer: 17:04:22  BY THE WITNESS: 17:04:22  A. A scrupplous scientist woeld not, but 17:04:22  we're looking at a test that was flawed to begin: 17:04:25  with. 17:04:32  BY MR. KOPEL: 17:04:32  BY MR. KOPEL: 17:04:32  show that Leo and Sam Lin were not scrupulous 37:04:34  scientists? 17:04:38  MR. OSTOJIC: Object, form, foundation, 17:04:38  mischaracterizes his testmony. 17:04:40  BY THB WITNESS: 17:04:44  A. Yeah, I don't have enough data to 17:04:44  support that. It's not my nature to accuse onybody 17:04:54  misched or judge on their - on supposition of 17:04:54  mischeds whether they are conscientious enough (7:04:58  about Eleir work to carry out a simple count. 17:05:04  BY MR. KOPEL: 17:05:04
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		100	
1	BY MR. KOPEL: 17:05:16	j	her dreams, 15 to 20. 17:21:50
2	Q. Rather than casting aspersions, this 17:05:20	2	BY MR. KOPEL: 17:21:52
3	might have been the two Lins who conducted the 17:0	5:22 3	Q. Well, I'm glad she got to do that. How 17:21:52
4	study might have done might have replaced the 17:05	:26 4	many square feet? 17:21:56
5	dead animals out of incompetence, correct? 17:05:3.	2 5	A. Just under 7,000 17:21:58
6	MR, OSTOJIC: Object to form, foundation, 17:05:	34 6	O. That's awesome 17:22:02
7	incomplete hypothetical, 17:05:36	7	A. It was her money, had to let her do 17:22:06
ĸ	BY THE WITNESS: 17:05:46	8	Si
ŋ	A. I don't know the mindset of these people 17:05:40		
LU	and why they did what they did. They were trying 17:05	Secret USE	
	to probably trying to salvage a very flawed 17:05:52		).common personal contractor (10 /mm) //
2	experiment which we've already said didn't have any 17:05		
5			
3			
4	the efficacy of the repellers still shows that they 17:06:02	116	
5	all moved to Chamber B. 17:06:04	15	
6	BY MR. KOPEL: 17:06:06	16	William Control of the Control of th
7	Q. Would a competent scientist try to stuff 17:06:06	· U.S.	
8	20 rats into a small acrylic chamber? 17:06:10	18	
9	MR. OSTOJIC: Object to form, foundation, 17:06:	16 19	attenuation. 17:22:38
20	incomplete hypothetical. 17:06:16	20	Q. When you said 175 square feet, what are 17:22:40
11	BY THE WITNESS; 17:06:18	21	you basing that on? 17:22:46
22	A. I would say it shows a lack of knowledge 17:06:1	8 22	A. That was the estimated size of coverage 17:22:46
23	about the behavior of the animals. 17:06.22	23	given by Diane Fenerstein in her deposition as the 17:22:50
24	MR. KOPEL: Let's take a break, please. 17:06:32	24 age 242	planned or specified dimensions of the average room 17:23:00 Page 2
2	5:00 o'clock p.m. 17:06:36 (WHEREUPON, a short break was had.) 17:20:	48 3	
4	THE VIDEOGRAPHER: We are back on the record	17:20:48 4	
5	at 5:14 p.m. 17:20:50	5	just basing that on something she said? 17:23:24
	BY MR. KOPBL: 17:20:50	6	
7	Q. Dr. Whitford, in a room without carpet, 17:21:06	7	
	what would the coverage area of a Bell & Howell 17:21		
	repeller be? 17:21:14	9	- Activity Company Com
0	A. In a room without carpet? 17:21:16	10	
1	MR. OSTOJIC: Object, incomplete hypothetical, 17:2		4 (18 (18 (18 (18 (18 (18 (18 (18 (18 (18
	but go abcad, 17:21:20	1.10	
	BY THE WITNESS. 17:21:20	12 1 2	
		13	5 85
4	A. Minimum of about 175 square feet 17:21:20		
5	depending again on the shape and presence of 17:21:3		
0	structures in that room. 17:21:28	16	
7.	BY MR. KOPEL: 17:21:32	17	FOR THE PROPERTY AND ADDRESS OF THE PROPERTY O
8	Q. If you wanted to protect your whole 17:21:32	18	
9	primary residence using Bell & Howell pest 17:21:3	310 DE	- 1. The control of t
0.9	repellers, how many would you need? 17:21:40	2.0	
1	MR. OSTOJIC: Object to form, foundation, 17:21	40 21	A. Which house, my actual farm house? 17:24:24
2	incomplete hypothetical. 17:21:42	22	
23	BY THE WITNESS: 17:21:46	23	and living room is under 175 square feer in my farm 17:24:32
24	A. Given that my wife built a mansion of 17:21:46	24	house. 17:24:36

1		7··· ··· ··· ·
1	Q. How about your primary residence? 17:24:36	1 mark 17:29:04
2	A. 10's opulent. 17:24:38	2 A. Okay, maltiple 17:29:04
3	Q. Would you agree that the average 17:24:40	3 Q. Oh. you see it? 17:29:04
4	American room is Sigger well, let's actually be 17:24:42	4 A. Multiple units may be necessary for 17:29:06
5	more specifie. Would you agree the average 17:24:46	5 larger mems. That's all it says. 17;29;10
6	American kirehen is higger than 175 square feet? 17:24:48	6 Q. Okay. It doesn't say square footage 17(29.12
7	MR. OSTOJIC: Object to form, foundation, may 17:24:50	7 there, right? 17:29:16
k	call for speculation. 17:24:54	8 A. No. 17:29:16
19	BY THE WITNESS: 17:24:56	9 MR. KOPEL: Till ask the Court Reporter to 17:29:22
10	A. On one end of the scale, you have 17:24:56	10 please mark as Exhibit 15 a document bearing Bates 17:29:24
11	numerous small kitchen apartment – or small 17:24:58	11 number BIIII, LLC 006256. 17:29:28
12	apartment kitchens and small house kitchens. 4 17:25:02	J2 (WHEREUPON, a certain document was 17:29:28
13	mean I grew up in the 1950's and 1940's housing. 17:25:04	13 marked Whittind Deposition Exhibit
14	Those kitchens were rarely 150 square feet. So nov. 17:25:05	14 No. 15, for identification, as of
15	in the present day, you not the gampt of all those 17.25;14	15 01/12/2018.)
16	small houses and now the McMansions that are going 17:25:22	16 BY MR. KOPAL:
17	ър. 17:25:24	17 Q. Do you have Exhibit 15? 17:29:52
18	BY MR. KOPBL: 17:25:24	18 A. 1 do. 17:29:58
19	Q.—If consumers had not been told u 17:25:24	19 Q. Okay. Do you see that is an email? 17:29:58
20	specific square footage for the Bell & Howell 17:25:32	20 A. I've never seen this email before. 17:30:04
21	repellers, they would not know how many would be 17:25:34	21 Q. But you see that it's an erosil, correct? 17:30:06
	needed to be used effectively, would you agree? 17:25:40	22. A. Yes. 17:30:06
23	A. If they weight fold how many or how 17:25,44	23 Q. Okay. Do you see here that there is an 17(30,08
24	many square feer it's supposed to cover? But they 17:25:48	24 email sent from Dehbie Penerstein on February 14, 17:30;10
	Page 246	
- 1	Lindiana seline constructed application of tide life section 17/05/57	1 1 2012 010 047 0 00 10 000 0 0 1000 1 17 20 14
	judicate that you need multiples if it's higger 17(25:54	1 2013 at 9:47 a.m., do you see that? 17:30:16
2	than that, 17:25.58	2 A. Thi sorry, where are we? 17:30:22
2 3	than that, 17(25.58 Q. When you say they indicated, what do you 17(26:00)	2 A. Fin sorry, where are we? 17:30:22 3 Q. Sirce. 17:30:24
2 3 4	than that, 17(25.58  Q. When you say they indicated, what do you 17(26:00 mean by that? 17(26:02	2     A. Thi scary, where are we?     17:30:22       3     Q. Sirce.     17:30:24       4     A. 9:47?     17:30:26
2 3 4 . 5	than that, 17:25.58  Q. When you say they indicated, what do you 17:26:00 mean by that? 17:26:02  A. The instructions say that you may need 17:26:02	2     A. Thi sorry, where are we?     17:30:22       3     Q. Sirke.     17:30:24       4     A. 9:47?     17:30:26       5     Q. Yes, 9:47 a.m., do you see that?     17:30:28
2 3 4 . 5 . 6	than that, 17(25.58  Q. When you say they indicated, what do you 17(26:00 mean by that? 17(26:02  A. The instructions say that you may need 17(26:02 multiple units for a larger space. 17(26:04	2     A. The sorry, where are we?     17:30:22       3     Q. Sure.     17:30:24       4     A. 9:47?     17:30:26       5     Q. Yes, 9:47 a.m., do you see that?     17:30:30       6     A. Yes.     17:30:30
2 3 4 . 5 . 6	that that, 17:25.58  Q. When you say they indicated, what do you 17:26:00 mean by that? 17:26:02  A. The instructions say that you may need 17:26:02 multiple units for a larger space. 17:26:04  Q. Can you turn back to the instructions, 17:26:28	2     A. The sorry, where are we?     17:30:22       3     Q. Suze.     17:30:24       4     A. 9:47?     17:30:26       5     Q. Yes, 9:47 a.m., do you see that?     17:30:36       6     A. Yes.     17:30:30       7     Q. Do you see here in this email     17:30:30
2 3 4	than that, 17:25.58  Q. When you say they indicated, what do you 17:26:00 mean by that? 17:26:02  A. The instructions say that you may need 17:26:02 multiple units for a larger space. 17:26:04  Q. Can you turn back to the instructions, 17:26:28 please, Exhibit 3? It's this big – this is 17:26:30	2       A. Thi sorry, where are we?       17:30:22         3       Q. Since.       17:30:24         4       A. 9:47?       17:30:26         5       Q. Yes, 9:47 a.m., do you see that?       17:30:28         6       A. Yes.       17:30:30         7       Q. Do you see here in this email       17:30:30         8       Ms. Feilerstein and you recognize Ms. Feilerstein       17:30:32
2 3 4	than that, 17(25.58  Q. When you say they indicated, what do you 17(26:00 mean by that? 17(26:02  A. The instructions say that you may need 17(26:02 multiple units for a larger space. 17(26:04  Q. Can you turn back to the instructions, 17(26:28 please, Exhibit 3? It's this big — this is 17(26:30 Exhibit 3 from the Potter deposition, Potter 3. 17(27:00	2 A. The sorry, where are we? 17:30:22 3 Q. Sirce. 17:30:24 4 A. 9:47? 17:30:26 5 Q. Yes, 9:47 a.m., do you see that? 17:30:38 6 A. Yes. 17:30:30 7 Q. Do you see here in this email 17:30:30 8 Ms. Feuerstein and you recognize Ms. Feuerstein 17:30:32 9 to be the inventor of the pest repetters, correct? 17:30:36
2 3 4 5 6 7 8 9 JO	than that, 17(25.58  Q. When you say they indicated, what do you 17(26:00 mean by that? 17(26:02  A. The instructions say that you may need 17(26:02 multiple units for a larger space. 17(26:04  Q. Can you turn back to the instructions, 17(26:28 please, Exhibit 3? It's this big — this is 17(26:30 Exhibit 3 from the Potter deposition, Potter 3, 17(27:00 And then the instructions are the fourth sheet. So 17(27:12	2 A. The sorry, where are we? 17:30:22 3 Q. Suze. 17:30:24 4 A. 9:47? 17:30:26 5 Q. Yes, 9:47 a.m., do you see that? 17:30:38 6 A. Yes. 17:30:30 7 Q. Do you see here in this email 17:30:30 8 Ms. Feuerstein and you recognize Ms. Feuerstein 17:30:32 9 to be the inventor of the pest repellers, correct? 17:30:36 10 A. Yes. 17:30:38
2 3 4 5 6 7 8 9 JO	that that, 17:25.58  Q. When you say they indicated, what do you 17:26:00 mean by that? 17:26:02  A. The instructions say that you may need 17:26:02 multiple units for a larger space. 17:26:04  Q. Can you turn back to the instructions, 17:26:28 please, Exhibit 3? It's this big — this is 17:26:30  Exhibit 3 from the Potter deposition, Potter 3. 17:27:00  And then the instructions are the fourth sheer, So 17:27:12 it's double-sided, the fourth sheet. 17:27:14	2 A. The sorry, where are we? 17:30:22 3 Q. Suze. 17:30:24 4 A. 9:47? 17:30:26 5 Q. Yes, 9:47 a.m., do you see that? 17:30:28 6 A. Yes. 17:30:30 7 Q. Do you see here in this email 17:30:30 8 Ms. Feuerstein and you recognize Ms. Feuerstein 17:30:32 9 to be the inventor of the pest repetters, correct? 17:30:36 10 A. Yes. 17:30:38 11 Q. You see here she says, "It is better NOT 17:30:38
2 3 4 . 5 . 6 . 7 . 8 . 9 . JO . 11 . 12	than that, 17:25.58  Q. When you say they indicated, what do you 17:26:00 mean by that? 17:26:02  A. The instructions say that you may need 17:26:02 multiple units for a larger space. 17:26:04  Q. Can you turn back to the instructions, 17:26:28 please, Exhibit 3? It's this big — this is 17:26:30  Exhibit 3 from the Potter deposition, Potter 3, 17:27:00 And then the instructions are the fourth sheet. 17:27:14  Okay. My question regarding 17:27:34	2 A. The sorry, where are we? 17:30:22 3 Q. Sure. 17:30:24 4 A. 9:47? 17:30:26 5 Q. Yes, 9:47 a.m., do you see that? 17:30:28 6 A. Yes. 17:30:30 7 Q. Do you see here in this email 17:30:30 8 Ms. Feuerstein and you recognize Ms. Feuerstein 17:30:32 9 to be the inventor of the pest repellers, correct? 17:30:36 10 A. Yes. 17:30:38 11 Q. You see here she says, "It is better NOT 17:30:38 12 to mention specific square fect for pest repellers. 17:30:42
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